A True and Impartial

ACCOUNT

OF

The Arraignment, Tryal, Examination, Confeſſion and Condemnation

OF

Col. Iames Turner

For Breaking open the Houſe of *Francis Tryon* Merchant in *Limeſtreet LONDON.*

WITH

The ſeveral Tryals and Examinations of *John Turner, William Turner, Mary Turner,* and *Ely Turner*, Confederates.

At *Juſtice-Hall* in the *Old-Bailey*, LOND. the 15. 16. and 19. of *January*, 1663.

Licenſed by ROGER L'ESTRANGE.

LONDON,
Printed by *William Godbid* for *Nath. Brook* at the *Angel* in *Cornhill*, and *Henry Marſh* at the *Princes Arms* in *Chancery-lane*. 1663.

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The TRYAL of *James Turner*, &c.

At JUSTICE-HALL *in the* Old-Baily, London, *the* 15th. *of* Jan. 1663. *in the Afternoon.*

James Turner the Titular Collonel, *William Turner*, *Mary Turner*, and *Ely Turner*, were brought to the Bar.

Clerk of the Peace. James Turner hold up thy hand; which he did. *John Turner* hold up thy hand.

Col. *Turner*. He is not here, but he is hard by, and I will send for him. My Lord, it has been reported he was fled; it was a mistake, he is in *Fleetstreet*, where he has been ever since this busineſſe, and thereupon he sent one for him, and then the Court proceeded to some other busineſſe. About half an hour after the said *John* came into the Court, and was set among the other Priſoners at the Bar.

Clerk of the Peace. James Turner hold up thy hand, *John Turner* hold up thy hand, *William Turner* hold up thy hand, *Mary Turner* hold up thy hand, *Ely Turner* hold up thy hand; which they all did, and then the said Clerk read their Indictment, which was as followeth:

YOU *ſtand Indicted in* London *by the Names of* James Turner *late of* London *Gentleman*, John Turner *late of* London *Labourer*, William Turner *late of* London *Labourer*, Mary Turner *late of* London *Spinſter*; *otherwiſe* Mary Turner *the Wife of the ſaid* James Turner, *and* Ely Turner *late of* London *Labourer*; *for that you the ſaid* James Turner, John Turner, *and* William Turner, *the* 7. *day of* January, *in the* 15. *year of the Reign of Our Sovereign Lord* Charles *the Second, by the Grace of God, of* England, Scotland, France, *and* Ireland *King, Defendor of the Faith, about* 10. *of the Clock in the Night time of the ſame day, with Force and Arms*, &c. *at* London, *that is to ſay, in the Pariſh of St.* Dyonis Backchurch, *in the Ward of* Limeſtreet, London, *aforeſaid, in the dwelling-houſe of one* Francis Tryon *Merchant, there Felonioufly and Burglarly, you did break and enter, and him the ſaid* Francis Tryon, *in the Peace of God, and of Our ſaid Sovereign Lord the King, in his Dwelling-houſe aforeſaid, then and there being*

being, and reſting, Felonionſly and Burglarly, did make an Aſſault, and him the ſaid Francis Tryon *in Corporal fear of his Life Felonioufly and Burglarly you did put; and one Pendant Pearl ſet in Gold, and a precious Stone fixed thereto, of the value of* 150 l. *Two pendant Pearls with half Moons, ſeven Diamonds, and eight Rubies fixed to every of them, of the value of* 80 l. *One Topaz and pendant Pearl at the bottom thereof, of the value of* 20 l. *One Emerald Jewel, and five Diamonds of the value of* 150 l. *One Gold Ring and Diamonds ſet therein, of the value of* 300 l. *One other Gold Ring and nine Diamonds fixed in the ſame Ring, called an Agar Ring, of the value of* 5 l. *One Jewel and thirty ſeven Diamonds of the value of* 30 l. *One Gold Chain of the value of* 30 l. *One Gold Ring and nine Diamonds ſet therein, of the value of* 6 l. *Another Gold Ring and a Facent Stone faſtened therein, and two Diamonds ſet in either of them, of the value of* 3 l. *One other Gold Ring of the value of* 20 s. *One Necklace of Pearl, of the value of* 500 l. *One Knot of Diamonds and pendant Pearls faſtned thereto, of the value of* 300 l. *One Sprigg, and three blew Saphires, nine pendant Pearls, and fifty*

ſix

six Diamonds fastened thereto, of the value of 300 l. *One Gold Ring and thirteen Diamonds set therein, of the value of* 50 l. *One other Gold Ring and Diamonds set therein, of the value of* 50 l. *One Knot and seventy five Diamonds set therein, of the value of* 100 l. *One Necklace, of Pearls containing One hundred seventy two Pearles, of the value of* 11 l. 10 s. *One Necklace of Pearl containing Two hundred seventy six Pearls, of the value of* 181. 10 s. *One Jewel and forty six Diamonds set therein, of the value of* 300 l. *One Jewel and fifty three Diamonds set therein, of the value of* 200 l. *One Gold Ring and one Diamond set therein, of the value of* 50 l. *One Locket, and thirty six Diamonds set therein, of the value of* 70 l. *Two Lockets and one Ruby, and twenty Diamonds set in either of them, of the value of* 60 l. *One pendant Pearl set in Gold, and four Diamonds set therein, of the value of* 40 l. *One other Gold Ring, and with one Diamond, of the value of* 35 l. *Six Bracelets set with precious Stones, of the value of* 20 l. *One blew Saphire, twenty four Diamonds, of the value of* 40 l. *One Locket and*

Nine Yellow Diamonds set in Gold, of the value of 20 l. *One Locket and eight Diamonds set therein, of the value of* 8 l. *One Jewel and twelve Diamonds set therein, of the value of* 15 l. *One Gold Ring and Diamond, of the value of* 5 l. *One Jewel and Saphire Ruby and Emerald adjacent, and four Ophirs set therein, of the value of* 12 l. *twelve Scotch pearls, of the value of* 3 l. *sixty two Pearls, of the value of* 12 l. *One Oriental Amithist, six Diamonds set therein, of the value of* 20 l. *Two other Gold Rings, nine Diamonds in either of them, of the value of* 15 l. *One other Gold Ring and thirteen Diamonds set therein, of the value of* 8 l. *One Jewel, and ten Diamonds, and seven Emeralds of the value of* 15. l. *Sixteen gold Rings, and seven Diamonds, in every of them of the value of* 1754 l. *One Bracelet, and thirteen great Rubies set therein, of the value of* 100 l. *Six Two and Twenty shilling peices of Gold, five other peices of Gold called Five shillings six pence a peice, three other peices of Gold of Two shillings nine pence a peice, another peice of Gold of Twenty shillings*

ſhillings, two other peices of Gold of five ſhillings a peice, four Eleven ſhilling peices of Gold, five peices of French *Gold of Sixteen ſhillings ſix pence a peice, and* 1023 l. *in money (particularly named in the ſaid Indictment) of the Goods and Chattels of the ſaid* Francis Tryon, *then and there being found, then and there Feloniouſly and Burglarly you did ſteal, take, and carry away. And that you the ſaid* Mary Turner, *and* Ely Turner, *knowing the ſaid* John Turner, *the Felony and Burglarly aforeſaid, to have committed the ſaid* John Turner *afterwards, that is to ſay, the* 8. *day of* January, *in the Fifteenth year aforeſaid, at* London *aforeſaid, that is to ſay in the Pariſh of St.* Andrew Underſhaft, *in the Ward of* Aldgate, *feloniouſly did receive, comfort, and maintain againſt the Peace of Our ſaid Sovereign Lord the King, his Crown and Dignity.*

How ſayeſt thou *James Turner*, art thou Guilty of the Felony and Burglary whereof thou ſtandeſt indicted, or not Guilty?

Col. *Turner.*

Col. *Turner*. My Lord, and the honourable Bench, I shall no way be refractory, nor do any thing that doth not become a Gentleman; but I humbly beseech your Honours that you will stand my friend, that I may have Justice, and your Honours opinion.——

L. Ch. J. Hide. You are to plead now to your Indictment.

Col. *Turner*. I do not refuse it; my Lord, I beg your Honour to hear me a word----

L. Ch. J. Hide. Plead to the Indictment, then say what you will, till that be done, all you can say will signifie little; we are to receive your Answer to your Plea first, afterwards say what you will, you must now say Guilty or not Guilty.

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Turner. I shall not refuse to plead, but I beg my own Goods may be restored to me; my House (my Lord) is locked up, and Children turned out of Doors, and I have nothing to support us.

L. Ch. J. Hide. Are you guilty, or not guilty? You shall have right done you.

Turner. I will take your Honours word for it; I am not guilty.

Clerk. How will you be tryed?

Turner. By God and the Countrey.

Clerk. How sayest thou *John Turner*, art thou guilty of the Felony and Burglary whereof thou standst Indicted, or not guilty? And so *William Turner*, and likewise *Mary Turner*, and *Ely Turner*, as Accessaries: Being demanded the like questions, severally pleaded not Guilty, and put themselves on God and the Countrey to be tryed.

L. Ch. Just. Hide. Now Mr. *Turner* let us know who has seized any thing of yours.

Turner. The Sheriffs, Sir *Richard Ford*, and Sir *Richard Rivers*, and they are in possession of my house, I have none but a Child of 7 and 9 at home, and have not a Shirt to Command: Because the Sheriff Sir *Richard Ford* was so civill Yesterday as to give me some Linnen.

Sir *Rich. Ford.* I ſhall give your Lordſhip an account of this: I ſuppoſe (my Lord) we have done nothing but what was cuſtomary, a Seizure we have made now, but after we had heard this Gentleman was committed for Felony and Burglary, and that none but Children were in the houſe (my Lord) we thought it our duty both for his good to ſecure his Eſtate if acquitted, and ſo for the King if convicted, that ſo the ſame might not be imbezel'd; and thereupon cauſed an Inventory to be taken thereof: But (my Lord) we diſpoſſeſſed none, it is true we have left a Servant or two, for whom we are and muſt be reſponſible; what ever they would diſpoſe or had occaſion for they had it without contradiction; we offered him that if he had any friend of his own that would undertake them to be forth coming in caſe he were convict, we would leave them in poſſeſſion of them, we have made no Seizure; what we have done is according to cuſtome, if we have not done that which your Lordſhips approve of, we beg your pardon.

L. Ch. J. Hide. We are to look to that which is according to Law, the goods of a man that is accuſed of Felony (he is but only ſo yet) he forfeits none of his goods till convict, more than that he is to live upon them during his Tryall; but on the other hand, where a man is accuſed of Felony, and Indicted for it, it is but prudence and agreeable to Law to take care the goods be not imbezel'd, becauſe if a conviction follow they are forfeited to the King; therefore the Sheriffs have done but what they ought to do, they are not taken from you, what you have occaſion for, either for Money (or Goods to turn into Money) for your preſent ſupply till your Tryall be over, God forbid but you ſhould have it, and you ſhall have it, if you have any friend that will undertake the Goods ſhall be forth coming for the King in caſe you be convicted, or for your ſelf if acquitted it ſhall be done; in the mean time what you have occaſion for your ſelf, Wife, or Children, God forbid but you ſhould have it; and this is as much as by Juſtice you ought to claim.

Turner. I ſubmit to your Honour, and I beg of your Honour and the Bench to be of Counſell for me, for though the world looks on me as a Solicitor, it is a miſtake my Lord, it is not in Law, I am a ſtranger to it, it has been only in dealings for moneys,

neys, by purchaſes and the like: But my Lord, I am informed your Lordſhip may reſtore me theſe Goods without Security; if the Law directs Security, I am ready to give it.

L. Ch. Juſt. Bridgm. For that that you may not miſtake the Law, it is very true, the words of the Statute of *Richard* the 3*d.* ſayes a mans Goods ſhall not be Seized before Indicted; you muſt underſtand the difference of the Law, that has made the miſtake, it was then good but not now, then a mans courſe was to Indict them and Proceſſe againſt them before committed, but now it is altered, for when it remained indifferent whether Guilty or not Guilty, he was to be maintained out of his Goods, ſo ought you and your Family, for the Town being anſwerable for the Goods of ſuch a Felon, that they might not be amerced, in ſuch caſes ſufficient Sureties were given, the Statute of *Philip* and *Mary*, that gives the power of commitment by Juſtices of Peace; and ſo now it is quite altered, and though they cannot ſeize the Goods, yet they being reſponſible for them, they ought to have good Security.

Sir *Rich. Ford.* I do aſſure your Lordſhips that from the very firſt hour we put our people into the houſe none of his Family there then or now have been denyed any thing in the houſe; if I be not miſinformed that very night that he was committed there was conveyed out of his houſe for his uſe and his occaſions ſome ſay 200 *l.* they that ſay leaſt ſay 100 *l.* they have had a free Diſpoſal of what was in the houſe, and then my Lord could we do leſſe then what we have done?

Turner. I would have made a ſhort buſineſſe of this, I tendred Security of 5000 *l.* to their own content, they excepted of the perſons, but one ſtanding by, ſaid by no means, and ſo it is ſtill undone: If you pleaſe I have Security now.

L. Ch. J. Hide. There needs not much a-doe for Security; if your Tryall was not to be preſently, then there were cauſe for you to inſiſt on this, but now there is but one night, if you want any thing for this night, the Sheriffs here offer you what you will, to morrow will determine the Queſtion, whether theſe Goods are yours, or no.

Turner. I will ſubmit to the Court, I wil not be refractory; here is Security if you pleaſe, if not, I am content.

L. C. Just. Hide. If you want any thing, either money or Cloaths, or any thing else, you may have them.

Turner. My Lord, the greatest thing will be some writings and papers which will concern me at my Tryall to clear me then.

L. Ch. J. Hide. Do this, nominate one person, the Sheriff another to go with him, and what writings you will have brought they shall take a note of them and bring them to you.

Turner. I have divers writings of Gentlemens Estates, Bonds and things in my hands, and the papers are amongst them, and I do beg I may with the Keeper go my self now.

L. Ch. J. Hide. I cannot, nor the Court give you leave, you stand Indicted for Felony and Burglary.

Turner. Let my Sons go, my Lord.

L. Ch. J. They are Indicted too, and are not Bailable, if Mr. Sheriff (who is answerable for you) will send any with them he may.

Sir *Rich. Ford.* I shall be willing to serve you (Gentlemen) so far my self, if your Lordship will spare me from further Service here to go with such person as he shall appoint.

L. Ch. J. We leave that to Mr. Sheriffs Civility, we can give no rule for it.

Turner. I may be cut off of my life, if I want my papers.

L. Ch. J. Bridgman. Doth your life depend upon this Evidence in matter of fact?

Turner. My Lord, I have been so strangely handled in this business, I know not where it depends.

Sir *Rich. Ford.* If he will say in what Trunk or Chest they are in they shal be brought to the Court. [Thereupon Mr. *Turner* offered to send a Pillowbeer, and the Sheriff said he should have the writings.]

L. Ch. J. Hide. Provide your self for to morrow Mr. *Turner*, we will then go on.

Turner. I have an humble request to your Honours and Honourable Bench, I would beg an Order to bring in some Witnesses who are Mr. *Tryan's* friends now, though mine lately; divers

divers would come in, but ſend me word they dare not, except they are Summoned by an Order of your Lordſhips.

L. Ch. J. We will help what the Law will do, but this cannot be done, thoſe that will come in voluntarily may, the Law will not admit us to Summon any Witneſſes; you ſee when any come againſt the King, we cannot put them to their Oaths, much leſſe can we precept them to come.

Turner. Pray my Lord let ſome of the Sheriffs Officers, wiſh them to come, not from the Bench.

L. Ch. J. We cannot direct any thing in't.

Turner. I deſire the Party himſelf may be here.

L. Ch. J. We cannot compell him.

Turner. Then I have no Witneſſe in the world; this is a ſad thing, that the Perſecutor being able will not come; I hope you will adviſe him to come.

L. Ch. J. The Law is open, the ſame to every man, you ſhall have that that is due to any man, you cannot have more, and leſſe you ſhall not have, if he be bound we will call him.

Turner. What if he will forfeit his Recognizance.

L. Ch. J. We cannot help that, but we think you need not fear his not coming, he intends to be here.

And afterwards the Priſoners were conveyed back to the Goal.

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16. *January in the Morning.*

The Court being ſet, and Proclamation made, the Jury was call'd,

viz.

William Bookey.	*Tho. Hickſon.*
Tho: Seawell.	*John Andrews.*
Will. Allin.	*John Facob.*
John Port.	*David Bolger.*
Francis Coles.	*Hen. Hague.*
Robert Maſters.	*Lewis Teyne.*

Who ſeverally anſwered to their Names.

Clerk.

Clerk. Set up *James Turner*, *John Turner*, *William Turner*, *Mary Turner*, and *Ely Turner*. [Who (with ſome Felons) were accordingly ſet to the Bar.] You, the Priſoners that were laſt called to the Bar, thoſe men that you ſhall hear called and perſonally appear, muſt paſſe between our Soveraign Lord the King and you for your ſeveral lives and deaths. If you or any of you will Challenge them or any of them, you muſt challenge them when they come to the Book to be ſworn, before they be ſworn.

Silence Commanded twice.

Clerk. William Pookey, Look upon the Priſoner: You ſhall well and truely try, and true deliverance make between our Soveraign Lord the King, and the Priſoners at the Bar, whom you ſhall have in Charge according to your Evidence: So help you God. And ſo all the reſt were ſworn, ſave only *Lewis Tayte*, againſt whom he excepted, there being ſome little difference at preſent between them; but my Lord Chief Juſtices told him he need not give any reaſon for it, he was free to except any without cauſe. Thereupon Capt. *Edward Micoe* was ſworn in his roome. Count theſe, Cryer.

William Pookey, &c. twelve good men and true, ſtand together and hear your Evidence.

Clerk. Cryer, make Proclamation. O Yes! If any man can inform my Lords the King's Juſtices, the King's Serjeant, or the King's Attorney, before this Inqueſt be taken between our Soveraign Lord the King, and the Priſoners at the Bar, let them come forth and they ſhall be heard, for now the Priſoners ſtand at the Bar upon their deliverance; and all others bound by Recogniſance to give Evidence againſt any the Priſoners at the Bar, come forth and give evidence, or elſe you will forfeit your Recogniſances.

Clerk. Cryer, Call *Francis Tryan*, *William Hill*, *Fred. Ixam*, *John Garret*, *Jacob Watcher*, *Eliz. Fry*, *Ann Ball*, *John Gurney*, *Francis Millington*, *John Alſop*, *Peter Culley*, *Ralph Tasker*, *William Dawes*, *John Ronſe*, *Richard Roberts*, *Nath. Clarke*, *Robert Cole*, *Edward Cole*. They all came into the Court.

Clerk.

Clerk. James Turner hold up thy hand; and ſo the reſt.

Here the Indictment was read again; Upon this Indictment they have been Arraigned, and thereunto have ſeverally pleaded Not Guilty, and for their Tryalls have put themſelves upon God and the Countrey, which Countrey you are: Your charge is to inquire whether the ſaid *James*, *John*, and *William Turner*, or any of them, be guilty of this Felony and Burglary in manner and form as they ſtand Indicted, or not guilty: and whether the ſaid *Mary* and *Ely Turner*, are guilty of the Felony as Acceſſaries to the ſaid *John*. If you find them guilty, you ſhall enquire what Goods and Chattels, Lands and Tenements, they or any of them had at the time of the Commiting this Felony and Burglary, or at any time ſince; if you find them not guilty, you ſhall inquire if they fled for it, if you find that they did fly for it, you ſhall inquire, *&c.* as if you had found them guilty. If you find them not guilty, and that they did not fly for it, ſay ſo and no more; and hear your Evidence.

But if you acquit *James*, *John*, and *William Turner* of the Felony and Burglary, then you ſhall not inquire after *Mary* and *Ely* as Acceſſaries.

Sir *Thomas Aleyn* ſworn. The Evidence that you ſhall give, *&c.*

L. Ch. J. Hide. Pray Sir *Thomas Aleyn* tell your knowledge to the Jury.

Sir T. A. May it pleaſe your Lordſhips, and you Gentlemen of the Jury; Upon Friday morning laſt was ſeven-night, I heard of this Robbery at *Guild Hall*, and the perſon robbed being my acquaintance, I went to viſit him in the afternoon, and coming there, not thinking but the buſineſſe had been already examined, ſeveral perſons with Mr. *Francis Tryan* put me upon the buſineſſe to examin it; I went and examined the two Servants, the Man and the Maid; upon their examination I found they had ſupped abroad at a Dancing-School, and had been at Cards and came home afterwards; but before they came home, they heard that an ancient Gentleman one Mr. *Tryan* was robb'd, and then they haſtened home: I examined them further, whether they uſed to go abroad after their Maſter was

im

in bed; the Man confeſſed he had been abroad twenty or thirty times at Coll. *Turner's* Houſe at Supper about a year ſince; the Maid denied they had been there at all; but it is true the mans ſaying he ſupp'd there (though it was falſe) was the firſt occaſion of ſuſpicion of Coll. *Turner*. When I had examined theſe two, I went to the Examination of *Turner*, where he was all that day, where at night? he told me, at ſeveral places and Taverns, and in bed at nine of the Clock, and was called out of his bed; but having my ſelf ſome ſuſpicion of him, I wiſhed him to withdraw; I told Mr. *Tryan* that I beleeved if he was not the Theif, he knew where the things were; the old Gentleman ſaid he could not miſtruſt him, he had put a great Confidence in him; but I deſired him to give me leave to Charge him with it; and thereupon I called him in, but he denied it, but not as a perſon of his Spirit, which gave me ſome cauſe of further ſuſpicion: I deſired to ſearch his houſe, nay, told him I would whether he would or no; he deſired to go home, I told him if he would go with them (ſome perſons there) he ſhould, but you ſhall not ſpeak with your Sons, or Daughters, or Servants, they ſhall be examined by me; they ſearched his houſe, the Marſhall and Conſtable, they ſaid they could find nothing. The old Gentleman was very unwilling to charge him with Felony, ſome friends there were as well ſatisfied as I was that he was Guilty of it, and they brought me a Paper that he would charge him, and thereupon I wiſhed him to read that Paper, told him I could do no leſſe then ſend him to *Newgate*: Sayes he, you will not undoe a Family, will you, will you not take bail? No I cannot. What proof have you materiall againſt me? I will give you as good bail as any man, give me leave to ſpeak with Mr. *Tryan*. I did give him leave; he had no ſooner ſpoke with him but Mr. *Tryan* would not charge him, he promiſing to indevour to find the Thief. I took Mr. *Turner* on one ſide, and told him, I did as verily beleive if he was not the Thief he could find him out, as I beleived I ſhould go home to my Wife and Children; and I ſaid that if an Angel from heaven ſhould come and tell me otherwiſe, I could hardly beleive it, This paſſed on this night, I could not ſleep all the night, Till it

was

was in my thoughts that this man was the man that had done the Robbery; next morning after 9. there came a Gentleman to me, a person of quality; a Merchant; if your Lordship desires, I shall name him.

L. Ch. J. Pray name him.

Sir *T. A.* It was Alderman *Love*, my Lord; he told me that he thought I was a friend to Justice, if I would go presently into the *Minories* my self, I might discover the person that robb'd Mr. *Tryan*, if I staid or sent others, the Birds would be flown, Mr. *Turner* has this morning removed several hundred pounds; I went presently with a Footboy, when I came to *Bishopsgate*, meeting with Major *Tasker*, knowing not whether I went without the Liberties, said I to him, Are you in hast? Pray go along with me, and he went with me.

This Gentleman, Alderman *Love*, told me, I should meet with a Maid Servant of his that knew me though I knew not her, she will meet you at such a Corner; and go with you: when I came without *Algate* I met with two Maids that were the persons to shew me the place, the Maid told me these were the Maids, I bid them come behind me, at the further end of all the *Minories* I went into a shop, and found Col. *Turner* with his hands in a Chest, I charged him to take nothing out, and not to stir himself, there was two Wallets, one of a 100 *l.* the other 200 *l.* I took the Keys from him, laid them upon the Compter; I went with him into the next room, which was the Kitchin, and in another Chest was two Wallets more, and now the Gentleman was speechlesse; I told him it was just as I told him the last night, that your Roguery would come out; what (said I) is become of the rest of the money? sayes he; your hast will spoil all; I called in the Maid to examine her, but she was fearful, and so trembled there was no examining her before Col. *Turner*: But in conclusion, said I, Col. *Turner* if you will tell me whether this be Mr. *Tryan*'s money, I will do you all the favour I can; sayes he, I cannot say it is his money; I called for a Constable, and made a *Mittimus* to send him to *Newgate*, thinking he would discover the Truth; said I,

will you give me your Examination? he did, it is in Court; I asked him whence this money came? he told me it was removed by himself, his Wife and Children, this morning.

Turner. My Son and I, I told you.

Sir *T. A.* I asked him where he had received it; he told me at a Goldsmiths 14 dayes since, he did not remember his name; I asked why he should remove his own money, his answer was, he did remove it for 2, or 3, dayes, till this foolery was over.

When I saw I could get nothing further from him, I discoursed with him touching the remainder of the money and the Jewels; sayes he, Sir *Thomas*, do not trouble your self, you will lose the Jewels and the rest of the money by this course; and sayes he, I am now in pursuit of them; if you will give me leave to go to the old Gentleman, I know all will be well. I was not content to let him go; but presently we called a *Hackney Coach*, and my self, and him, and Major *Tucker* went, and carried that money to Mr. *Tryan*; when we came there, I told Mr. *Tryan* I thought we had brought 500 *l.* of his money, and I did not doubt but I had brought a person that could tell of the rest of his money and jewels. Col. *Turner* desired to speak with Mr. *Tryan* himself in private; I gave him leave; he calls me a little after, Sir (sayes he) Mr. *Tryan* and I am agreed, I must have this money delivered to me again, I have assured him he shall have all his money and jewels again by Three of the Clock this Afternoon. I told him I could not agree that he should have the money back again, prest him that he would stay there, and send for the rest of the money and jewells: but he would (if I did not) trust him; Mr. *Tryan* would have the rest of his money and all his jewels again.

Turner. I said I would endevour it.

Sir T. A. If he had said he would have endevoured it, I would not have parted with him, but he said he should have the money and jewels, *&c.* I told him I would meet him at that time at Mr. *Tryan's*. Then I took Mr. *Tryan*, and said what ever promise you have made in private, you must excuse

my

my aſſenting to any thing againſt the Law: but do not tell him of it, leſt you loſe the Jewels; I muſt commit him to *Newgate*, and I muſt bind you to proſecute him: he deſired me I would not come ſo ſoon as 3, not till 4, or 5, of the Clock, and all would be brought thither; I ſtaid till about 4. In the Interim, I heard ſome particulars what theſe Maids would teſtifie, which teſtimony had I received before I parted with him, I would not have parted with him for any conſideration: But when I came thither in the Afternoon, I heard Col. *Turner* was Arreſted, and was then at the *Hoop*-Tavern with the Officers, I ſent immediately the Marſhal and his men to bring him to me. The Officers and he came, and then Col. *Turner* told me, I had brought all theſe things, but the Officers prevented me; I was a very unfortunate man; give me but leave till to morrow at 9 of the Clock, and you ſhall have all. Said I, I have now heard more, and you muſt produce the money and Jewels, if you expect any favour from me, or I know what to do. He preſſed very hard an hour, or almoſt two, that he might be truſted to go for them; if he did not go, Mr. *Tryan* would loſe the reſt of his money and jewels; I told him I had rather they ſhould be all loſt, then I ſhould forfeit my diſcretion and reputation. And thus he kept us till 7 or 8 at night; at laſt he would have gone with one perſon; I told him no, if there were enough to ſecure you, I might give leave; ſaith he, the party will not ſee more then one, for his Life would be in danger. Whether would you go? I would go, ſaith he (to my beſt remembrance) to *Tower-Hill* or *White-Chappel*; I ſhould have met him at 5 of the Clock, and now I muſt meet him about 9. I will call in the Officers; they will tell you, your being upon a Judgement they will not part with you without the Liberties; nor will I give leave, becauſe the Sheriffs will blame me: The Officers ſaid they could not go without the Liberties, for it would be an Eſcape in Law; pray give me leave to go neer thoſe places, and I will ſend: nay, then you may aſwell ſend from hence; he begged leave to go to the *Hoop*-Tavern and ſend for his Wife, which I did grant; and there he did ſend for his Wife; they brought me

word he had ſent his Wife for the Jewels, and the reſt of the moneys; he ſent to me not to think the time too long, for he had notice his Wife was coming; I directed the Marſhal when his Wife came he would ſecure her. About a 11. of the Clock they brought his Wife, who told me ſhe had delivered the Jewels; they thought they were in two Bags. Then he came to me, and deſired to ſpeak with Mr. *Tryan* in private, and told me Mr. *Tryan*'s Soul was pawned to him, and his to the Thief, that no diſcovery ſhould be made; but then I examined his Wife, what money went from her houſe that morning? ſhe ſaid ſhe knew of none. Where had you the Jewels? ſhe knew of none, but ſhe had a couple of Bags that ſhe was ſent for, neer *Whitechappel* or the *Tower*, a perſon ſhould meet her, and ask what ſhe did there, and ſhe ſhould ſay ſhe walked up and down for ſomething that ſhould be given her by a perſon; which if he did, ſhe was to bring it to him that ſent her. He did deliver the two Bags, which ſhe delivered to her husband, but what was in them ſhe knew not. There was Sir *Tho. Chamberlane*, Mr. *Millington*, my ſelf, and Col. *Turner*, with Mr. *Tryan*; the two Bags was laid upon a Dreſſer; he told us they were now come, and having performed his part, he hoped Mr. *Tryan* would perform his. Have you performed your part? have you brought the Jewels and the remainder of the Money? He told us the money was not brought, for the 600 *l.* I ſhall give Mr. *Tryan* my Bond, to pay him at 6 Months: we preſt to ſee the Jewels; we run them all over. But I ſhould have told you one thing, ſhe brought a Cats-head-eye-ring upon her Finger; this the Gentleman was like to forget, he delivered it to me to deliver that with the reſt. When we had told out the Jewels, we croſſed them out upon the printed Paper as they were called; ſhe ſaid all that was in the Paper, except one Carcanet of Diamonds and Jewels valued at 200 *l.* that is fallen behind the Cheſt, or aſide. You have 2000 pounds worth of Jewels over what is in the Paper, but that Carcanet ſhall be forth coming. He now preſſed that no proſecution might be, for two Souls were pawned (as I ſaid before) and deſired an end of the buſineſſe. I told him further

and

and preſſed him; ſaid I, I have ſtaid a great while, and would ſtay longer, if he might have the 600 *l.* and the Carcanet: but when I ſaw there was nothing more to be got from him; now (ſaid I) what would you have this poor Gentleman to do for you? what he hath promiſed you I know not, he is a ſtranger to the Law; if there had been but you two had it, and it had not been publiſhed to the world, and the Neighbors publique Examination taken, ſomewhat might have been between your ſelves: But would you have this Gentleman bring himſelf into danger? he will loſe all his Goods again, for he will be indicted himſelf; what will he be the better for diſcovery, when he muſt loſe his jewels and money, and be liable to a proſecution as you will be, were he ſo ignorant? Do you think that I underſtand the Law no better, being a Juſtice of Peace, to bring my ſelf into danger; all the kindneſſe I can do for you is, (to be ſhort) I muſt ſend you and your Wife to *Newgate*.

How ſay you, Maſter Alderman? then I had better to have kept the Jewells; thoſe were his Words, to the beſt of my remembrance he ſaid ſo.

My Lord, I asked him ſeveral Queſtions, Why he ſhould give a Bond for Six hundred pounds if he was not concerned in this buſineſſe, but he knew not what to Anſwer; ſaith he, will you not take bail? Said I, I can take no bail, I muſt ſend you to the Common Goal, and then I am diſcharged; pray ſend me to the *Compter*; no, I cannot; do you think I would make an eſcape? I cannot tell, but I will not bring my ſelf into danger; he prayed me I would give him leave to go home. I muſt make my Warrant; If the Marſhal and Conſtable will do any thing, I ſhall not direct them.

He deſired his Wife might go and fetch ſome Linnen.

L. Ch. J. Bridgman. What day were the Jewels delivered?

Sir *T. A.* Saturday.

L. Bridgman. Thurſday was the Robbery, Friday he was Examined, Saturday the Money was removed, and that night the Jewels were brought and he committed.

Sir

Sir *T. A.* If I have ſaid any thing that he is not ſatisfied, wherein I have not true ſpoken, let him ask me, I ſhall not do him the leaſt wrong.

L. Ch. Juſt. Hide. Do ſo Mr. *Turner.*

Turner. Do your Honours underſtand of Sir *Thomas* the time the Robbery was committed? I ſhall ask him ſome Queſtions.

Sir *T. A.* I have only one word more to ſay to you, that before he went to the *Hoop* Tavern: Nay (ſaid I) Coll. *Turner* be ingenious whether this was not Mr. *Tryan's* money that he removed, and he confeſſed it was.

L. Ch. Juſt. Hide. That money was removed from his own houſe.

Sir *T. A.* Yes, but his Wife, Children, and Maid, denyed it.

L. Ch. Juſt. Hide. Mr. *Turner*, will you ask him any Queſtions? what are they?

Turner. I would ask all this back again, you are upon your Oath, Mr. Alderman.

L. Ch. Juſt. Hide. You need not tell him that he is Sworn, the Court and Jury underſtand it ſo.

L. Bridgman. Go on Mr. *Turner*, ask your Queſtions.

Turner. My Lord I demand of Sir *Thomas Aleyn*, whether I did not tell him at the firſt, there was a wicked young man had belyed my houſe and Family, ſaying that he ſupped there that night, when he had not ſupped at my houſe theſe Twelve Moneths.

Sir *T. A.* I think I have done him that right already, he deſired me to Examine that young man, who ſaid he ſupped at Coll. *Turner's*, but I found he had been nor was not there.

Turner. Upon *Friday* night when the Alderman preſſed me concerning the thing I told him, I had ſome ſuſpition of ſome perſons, who formerly ſhould have robbed Mr. *Tryan* a year agoe, and I employed *Moſely* the Conſtable and Mr. *Tryan's* man to go to *Ratcliff*, and I went another way.

Pray

Pray ask Sir *Thomas* whether I did not promiſe him to do all I could.

Sir *Tho. Aleyn.* I preſſed him hard, he ſaid he would endevour it.

Turner. Whether did not I tell him that that money was carryed there on purpoſe to gain the other Fellowes that had the Jewels. Said I, if this money be taken away, he that hath the Jewels will not bring them, and the remainder of the Money; but that this Money muſt bring him to it that they might ſhare it.

Sir *T. A.* There was not one word of this, his Examination was contrary; he told me 400 *l.* was received of a Goldſmith, he knew not his name, and 200 *l.* was in his owne houſe, and that he removed it for two or three dayes till this foolery was over; he ſaid it was his own money, I ſaid an honeſt man need not thus remove his own money.

One thing I have omitted, when I was examining of him in the *Minories*, word was brought me his Son was fled away at the back dore; I bid them run after him, but they ſaid they ſaw him leap over a great Ditch; he was not heard of till Yeſterday, though I ſent out my Warrants for him.

L. Ch. J. Hide. Your ſelf (as Sir *Thomas Alleyn* ſweares) ſaid you knew not of whom you had part of the money, but the other was your own, and yet afterwards that the money was *Tryan's*; why did you ſay ſo?

Turner. I will tell you the reaſon, I would not have my buſineſſe ſpoiled, and did feign thoſe anſwers. My Lord, I do demand of him whether Mr. *Tryan* and I had not made a Bargain in the morning, whether or no if he might have his Goods the perſon ſhould be free, and that he had agreed no blood ſhould be ſpilt, that he had rather loſe all his money and Jewels then to forfeit ſuch an aſſeveration which the Theif had bound me, that I ſhould ſwear to him, that by the blood of Jeſus Chriſt that was ſhed for him and all Sinners, his life ſhould be free.

L. Ch. J. Hide.

L. Ch. J. Hide. You are beſide the buſineſſe.

Turner. My Lord, I ask Alderman *Alleyn* whether I did not tell him this.

Sir *T. A.* I told your Lordſhips two ſouls were pawned, as he ſaid before.

L. Ch. J. Hide. Do not ſpend your time thus, the queſtion's ſhort, whether you are Guilty of Robbing, or breaking the houſe of Mr. *Tryan*, or no.

Turner. I am as free as any man here.

L. Ch. J. Hide. They will not beleive your own words.

Sir *T. A.* I think I have done him no wrong by this Evidence.

Turner. I hope, my Lord, I ſhall have the benefit to call him again for a Witneſſe for me.

L. Ch. J. Hide. You may ask him now.

Turner. No, when I come to my defence.

L. Ch. J. Hide. Yes, yes.

Turner. Oh your Honours moſt humble Servant, I am very ſorry I have put him to this trouble.

Mr. *Tryan*, his Servant, and Mr. *Garnet* Sworn.

L. Ch. J. Hide. Mr. *Tryan* pray (as you are able) give an accompt of this buſineſſe.

Tryan. My Lord, about Eleven of the Clock or ſome thing paſt, upon Thurſday night laſt was a Seven-night, two men came into my Chamber when I was faſt aſleep, one on the one ſide, and another on the other ſide of the bed, one had a Lanthorn that opened on one ſide and waked me, when I ſaw him I was much aſtoniſhed (as I might well) knew them not, ſaid, my Maſters, who are you? I was newly out of my ſleep, being an ancient man, I apprehended another man for the party I ſpoke to, but was not the man, and named him by his name, What do you do here at this time a night? What is your buſineſſe? ſaid nothing to me, one took both his

my hands, the other with a little cord bound me very hard, insomuch here yet is the dents of it; and bound my feet, gagg'd me, and used me barbarously, most inhumanly I must suffer it, because I could not tell how to avoid it. When they had done, they told me this withall, you shall not lose a haire of your head; I knew not their intentions, I fear'd what it was, for when they had done this, they left me, I had no body could come to me in my house, my Servants I knew not upon what grounds they were forth at supper when I a bed, which was of ill consequence; after I had been an hour in this manner, I rolled my self out of my bed, and fell down, and saving your Lordships presence, a chamber pot fell, broke, and I fell upon it, and very much hurt my self upon the pieces of the pot, and so with much ado it pleased God, I know not how my self, I got to the chamber window which lay to the Street, I called out Murder and Theive: my Neighbours said, I cali'd with so strong a voice they wondred to hear me; quickly after many of my Neighbours came in, and one Mr. *Peter Vanden Ancor* a Dutch man, that selleth Rhenish Wine, he came in and unbound me; and so after I was unbound, I went down to the Ware-house as I was, without cloaths about me, onely my wastecoat and shirt, and saw that they had been there. *I* considered those that had done the thing, were very privy to my house; they knew where to fetch the Key of my Cash, in a drawing box, taking the mony there, which was about one thousand and odd pounds; some plate there was they did not meddle with it.

L. *Ch. J. Hide.* How came they by the Jewels?

Tryon. I forgot something concerning some Jewels, these Jewels were in a drawer under my Table in the Compting-house, he was privy to that, because he did frequent my house very long, and was very familiar.

L. Ch. J. Hide. Who was privy to all this?

Tryon. James Turner.

L. *Ch. J. Hide.* Mr. *Turner*, would you ask Mr. *Tryon* any Questions?

Turner. By and by when I come upon my proof.

William Hill Mr. *Tryon*'s man ſworn.

All that I can ſay is this; when *I* went out I locked the door double, and thoſe things were there then.

L. Ch. J. Hide. About what time?

Hill. Seven or eight of the Clock.

L. Ch. J. Hide. Was he a bed then?

Hill. Yes my Lord; when I came home again, I found all theſe things gone; going down into the Compting-houſe we found ſome Jewels gone and ſome left, and thoſe were inconſiderable to thoſe that were gone; the beſt were cull'd and gone: on Saturday Collonel *Turner* was Arreſted with two Serjeants, and ſent the boy at the Hoop Tavern for me; I took two friends with me, Mr. *Girney* and Mr. *Pilkinton*, he prayed me to ſpeak to my Maſter that he would give Bond for him that the Serjeants might diſcharge him, and he haſt about his buſineſs, or elſe it would be ſpoyled; proceeding into ſome diſcourſe, *I* was ſaying to him, it was a great providence that *I* and the maid was not then at home, for if we had we ſhould have been killed; he anſwered, ſaith he, no, they would onely have bound you and the maid: *I* asked him how it was poſſible to get in? he anſwered, one went through the Entry in the day time, and there lay till night, went up ſtaires, found a candle, light it, went up to his Cham er, took the Key and went down and let in others.

Turner. This ſtory I was informed *I* told him.

Hill. I asked him how he came to know it, he ſaid he examined them.

L. Bridgman. Did he never tamper with you about making Mr. *Tryon*'s Will?

Hill. Yes my Lord, he came to me about a year ago, I went with him to the *Cock* behind the Exchange, it was in a morning, he took me privately aſide, told me the old Gentleman your Maſter is very ſickly, cannot live long, had a good Eſtate, or to that purpoſe, and it was pity he would never make a Will, and ſuch an Eſtate ſhould go

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to the Building of *Pauls*; ſaith he, I have preſt him ſeveral times touching making his Will, he ſaid he had done it, when we both knew he had not, and I believe he will not make one. He told of one that could Counterfeit a hand.

L. *Bridgman.* Was it not *Grainger?*

Hill. Yes my Lord, that that man could Counterfeit a Will, and I and Mr. *Garret*, and another good fellow ſhould be the three Executors, and a third perſon Overſeer, and that would pleaſe the old man; I anſwered, I would not have to do in ſuch an unjuſt thing for all the world.

L. Ch. J. Hide. Did you go to *Turners* to Supper that night this Robbery was committed?

Hill. No my Lord, to Mr. *Starkey*'s in *Fanchurch-ſtreet*, the Maid went along with me.

L. *Bridgman.* One queſtion more, you ſaid you came in and found the doors open, did you come in before the Neighbours?

Hill. No my Lord, I had not known of it but that one Gentleman at Supper went home with a Gentlewoman in *Leaden-hall*-ſtreet, and hearing there was ſuch a Robbery in *Lime*-ſtreet, *I* run with a great fright, came in and found the doors open, and found the Neighbours within.

Turner. The thing underſtood touching the Will hath another face; his Uncle was an acquaintance of Mr. *Grainger*, his Uncle that bound him Apprentice that lived in *Cripplegate*, now in *Cornhill*. This *Grainger* had counterfeited a Will touching my Lord *Gerrard*, and ſome body elſe about an Eſtate; ſaid I to this young man, you have an Uncle acquainted with a notable fellow, one *Grainger*, and your Maſter making no Will (ſpeaking merrily) this fellow is able to make it for him. Ask him if I did not tell him his Uncle was acquainted with ſuch a perſon.

Hill. You told me ſo indeed.

L. *Bridgman. Hill*, by the Oath you have taken, did he not perſwade you to endeavour that you and he and *Grainger* ſhould counterfeit a Will.

Grainger ſhould counterfeit a Will.

Hill. He did my Lord; he told me, That I, Mr. *Garret*, and another good Fellow, ſhould be the three Executors, and another perſon Overſeer, and that this *Grainger* could do it undeſernably; I anſwered him, I would not meddle with it for all the world.

Turner. Go, go, go, this is malice, for it was meer jeſting with him.

Elizabeth Fry ſworn.

Mrs. *Turner* came to my houſe on Saturday morning laſt, at ſix a clock in the morning; ſhe knocked me out of my bed, *I* asked who was there, ſhe ſaid, A Friend; who are you ſaid I? Come and ſee, ſayes ſhe; I ſaid, who, Mrs. *Turner*? ſhe ſaid, yes; I went and dreſſed me, and let her in; ſhe ſaid, there was a Friend of hers, a Merchant newly broak, he had a Wife, and ſeven or eight children; they deſired to ſecure the money till they had taken their Oaths the money was not in their houſe. She ſaid, her Husband and her Son *Ely* was coming with it. I went and lighted a Candle, there was ſhe and her Son *Ely* with the money; ſhe asked me, If I had a ſpare cheſt; I ſaid, Yes, there was one within; ſhe went in, opened the Cheſt, and ſhe put in the wallets of money, I know not how much, my Lord. I asked her if there was any more to come, ſhe ſaid, Yes, her Husband was coming with more; ſhe went to the door and let it in, but I know not who brought that.

Juſtice Bridgman. Did not Mr. *Turner* come in?

Fry. Yes, my Lord, he opened the bags, and asked his Wife touching the Seals; She ſaid, the Gentlewoman that owed the money, had deſired me to pull them off. They offered me twenty ſhillings for my kindneſs in it, told me, they had power to give it from the Gentlewoman; deſired me if my ſiſter or any ſhould ask about it, bid me conceal it, becauſe the diſcovery would ruin the poor Gentlewoman

man and her Children, but rather to ſay, that they deſired me to let ſome linnen lie there.

L. *Ch. J. Hide.* Were the bags ſealed?

Fry. I ſee none ſealed.

L. *Bridgman.* How many wallets were in the ſhop?

Fry. I ſaw but three, and they put one into a Cheſt in the ſhop, and two in the kitchin.

L. *Ch. J. Hide.* At that time when the mony was brought, was there any diſcourſe of a 1100. pound?

Fry. To my beſt remembrance it was ſo.

Turner. Not a word of the ſum.

Fry. There was five wallets brought into my houſe, three in the ſhop, two in the kitching.

L. *Ch. J. Hide.* Had they bags at each end?

Fry. Yes, my Lord?

Sir *T. Aleyn.* You hear what the wench ſayes, ſhe ſayes, there was five wallets, three in the ſhop, two in the kitchin; *I* took two in the ſhop, and only one in the kitchin.

Fry. My Lord, *I* have two apprentices little girles, when all the people were in the ſhop, ſaid out aloud, that they ſaw Mrs. *Turner* go out of the ſhop with ſomething in her Apron, covered with a red cloth, while *I* was above, my Lord.

Turner. Who ſhould convey it away?

L. *Ch. J. Hide.* Your Son was there.

Turner. Pray my Lord, ask her, which is *Ely.*

Fry. That is, pointing to *Ely.*

Turner. It was falſe, this *Ely* carried none, the Boy knew nothing of it; both my Sons are dear to me, and if either more then the other, it muſt be my eldeſt, and yet *I* muſt ſay, it was *John* my eldeſt Son that carried the money, this Boy was at home; She hath forſworn her ſelf.

Fry. Your wife told me that *Ely* was to bring ſome.

Mr. *Gurnet* ſworn.

My Lord, *I* met with Collonel *Turner* on Saturday morning after the Robbery, he told me, ſayes he, *I* have been

as

as good as my word, *I* ſent my Son to make ſome diſcovery of this buſineſs, and *I* did not doubt but to clear my ſelf of it, and make a diſcovery; this was on the *Exchange:* ſays he, *I* have met with them. With what? with the Jewels and Money. Where are they? *I* have brought five hundred pound, the reſt with the Jewels, *I* ſhall have at three a Clock this Afternoon; Will you be there? Yes ſaid *I*, who were they? they were Friends. Friends, what and uſe him ſo barbarouſly? O ſays he, they were two ſtrangers, they went beyond their Commiſſion.

Maj. *Ralph Tasker* ſworn.

On *Saturday* morning, I met Sr. *Thomas Aleyn*, paſſing by he called me; ſays he, there is a buſineſs in hand, pray go along with me. We went along through *Algate*, and into the *Minories*, and paſſing along the *Minories*, theſe two Maids we overtook, and asked them where the houſe was; they ſhewed us; we went in, Mr. *Turner* was there, his hand in the Cheſt, Sir *Tho. Aleyn* ſtayed it; we ſeized the Money; there was two bags of *Buckeram*, I conceived there was two hundred pound in either of them, and another in the Kitchin, Sir *Tho. Allen* deſired me to ſecure them; I ſaw a Fellow play bo peep in a back-room, and preſently was a noiſe, he was fled and gone; his ſon they ſaid it was; Sir *Thomas Aleyn* preſſed very hard to Mr. *Turner*, and deſired to know whoſe Money that was; Says *Turner*, by the Eternal God it is my own Money, with many other proteſtations; a Conſtable was ſent for, and we carryed the Money and *Turner* in a Hackney Coach to Mr. *Tryon*, and there left the Money on a Table with Mr. *Tryon*; they had ſome diſcourſe; *Turner* came forth and ſaid, the Old Gentleman and *I* are agreed, *I* will truſt the Money no longer with you, but with the Old Gentleman himſelf; ſaid *I*, let me be diſcharged of it, do what you will with it.

L. *Bridgman*. Did you ſee the Bags out of the Wallets?

Sir *T. Alyen*. We ſaw one which was ſealed *I* think, with the Biſhop of *Chicheſter*'s ſeal.

Ann

Ann Ball ſworn.

On *Saturday* morning Mrs. *Turner* came to this Maids houſe, and deſired to come in; ſhe ſtept out of Bed, and aſked who was there? ſhe ſaid, a Friend; ſhe went to the door and asked who was there? Mrs. *Turner* ſaid, open the door and you ſhall ſee; opening of it, ſhe came in; who is it, Mrs. *Turner*? yes ſays ſhe, what would you have? *I* have a little Money *I* would leave here; this ſhe came and told me; She lighted a Candle, *I* ſaw Mr. *Turner* and his Wife come in, *I* heard a great noiſe and a quarter, *I* lay ſtill, heard not what they ſaid; when they were gone, the Maid told me what they had brought into the houſe; ſaid *I*, *I* thought it had been Pewter; ſaid *I*, if you keep this Money, we ſhall be utterly undone, if you do not tell ſome people of it; ſhe went to her Siſter to make her acquainted with it.

L. Bridgman. You ſaw Mr. *Turner* and his Wife come in?

Ball. I did, but knew not what they did there; ſhe did go to her Siſter, and ſo it came to Sir *Thomas Aleyn* by accident.

L. Bridgman. Now for the Seal, who were thoſe that ſaw the Seal?

Frederick Ixam ſworn.

My Lord and Gentlemen of the Jury, being at the houſe of Mr. *Tryon* on *Saturday* in the Evening, *I* was deſired with others there preſent, to ſee the Bags taken out of the ſeveral Wallets; three *I* think. *I* ſaw then taken out, three had no Seals on, one was very much defaced, and the other had a Seal, which being queſtioned to be the Seal of the Biſhop of *Chicheſter*, it was compared with the Seal of a Letter which Mr. *Tryon* brought down, and declared to be a Letter received from the Biſhop of *Chicheſter*, and thoſe two Seals agreed; the Bags being here in Court will be a further Evidence, the Letter was produced by Mr. *Tryon*, and owned by him to be the Biſhop of *Chicheſters*, and they agreed.

Mr.

Mr. *Hanſon* the Goldſmith ſworn.

The bag ſealed was ſhewn him.

L. Bridgman. Have you ſeen the Letter?

Hanſon. Yes.

L. Bridgman. Doth that Seal and the Seal of the bag agree?

Hanſon. Yes.

L. Bridgman. Mr. *Tryon*, whoſe letter was that?

Mr. *Tryon.* Dr. *Henry Kings* Biſhop of *Chicheſter.*

L. Bridgman. Open the Letter, and ſee whether that be the Letter you received from the Biſhop of *Chicheſter.*

Tryon. Shall *I* read it?

L. Bridgman. No.

Tryon. It is his Hand and Seal.

L. Bridgman. Shew the bag and letter to the Foreman of the Jury; which was done, and moſt of the Jury viewed it.

L. Bridgman. You obſerve this evidence; this was one of the bags that was taken in the *Minories*, that Collonel *Turner* was then removing: Mr. *Tryon* had 600. pounds of the Biſhop of *Chicheſters* in bags ſealed; it appears by the Letter to be his ſeal, and theſe gentlemen ſware this was one of the bags then pulled out of the wallet, and Sir. *T. A.* has had it in his cuſtody ſince.

L. Ch. J. Hide. One thing more obſerve, he asked his Wife when the mony was brought into this womans houſe, have you taken off the Seals? his Wife ſaid, The Gentlewoman directed her to take them off.

L. Bridgman. Some were taken off, but it ſeems this was left on.

Here Turner *ſpoke ſomewhat to the Jury.*

L. Ch. J. Hide. Pray Mr. *Turner* diſcourſe not with the Jury, your whiſpering will do you little good, though *I* think they are honeſt men, and will not be guided by you, yet we expect the ſame carriage from you, as from other Priſoners; you ſhall have all the juſtice that may be.

Cole

Cole the Serjeant ſworn.

L. *Ch. J. Hide.* Speak your knowledge.

Cole. On *Saturday* in the afternoon about three a Clock, my brother and I arreſted Collonel *Turner* in an Action of ſeven hundred pounds.

L. Ch. J. Hide. At whoſe ſuit?

Cole. At the ſuit of *Thomas Lyon*, who with others was bail for him.

Turner. It was only hearing of this foolery that cauſed it.

Cole. My Lord, we went to the Hoop Tavern, he ſent for *Mr Tryons* man, that he ſhould engage for this account, that he might have his liberty to look after maſter *Tryons* buſineſs; ſoon after came the Conſtable, and he charged us to aſſiſt him to go before Sir *Thomas Aleyn*; by and by *I* was ſaying, Collonel *Turner*, how could this houſe be Rob'd, and none of the doors broke? O ſaid he, I took a man in the *Minories*, who has diſcovered it me; he told me that one going into the Cellar in the Day-time, lay there till night, then went up Stairs, found a Candle and light it, went up to the Old Gentleman's Chamber, took the Key from his bed-ſide, and went down, and let all the reſt of the Thieves in; the young man being there, ſaid, it was well the maid and I was not at home, we ſhould have been killed; no ſayes he, you would not have been killed, only bound.

Turner. As the Fellow told me.

L. Ch. J. Hide. Did he not ſay nothing touching Mr. *Tryons* tooth?

Cole. He ſaid that the Fellow putting his finger in his mouth to gagg him, the Old Gentleman bit him; and he ſtrugling to get out his finger, pul'd out his tooth.

L. Ch. J. Hide. You are very perfect at it *Mr. Turner*, every way.

Turner. I my Lord, *I* examined him every way.

Cole the Yeoman ſworn.

My Lord, *I* can ſay only what my Brother ſaid before. Tell it. *I* arreſted him, *&c.* And ſo related in the ſame manner his Brother did.

L. Bridgman. Mr. Hill, what do you know about breaking your own Desk ?

Hill. My Desk was ſafe locked, and the Key in my Pocket, *I* loſt out of that Desk about fourty five pound of my own.

L. Bridgman. Where did it ſtand ?

Hill. Upon a Table in the Ware-houſe; the Jewels were in a Drawer under the Table in the Counting-houſe.

L. Bridgman. How did you leave Mr. *Tryons* door ?

Hill. Double locked.

L. Bridgman. Who had the Key ?

Hill. I had.

L. Bridgman. Was there more then one Key ?

Hill. Alwayes two.

L. Bridgman. Who had the other ?

Hill. The other Key was in my Maſters Chamber.

L. Bridgman. Mr. Tryon, how was your own door opened?

Tryon. I called ſome of my Neighbours, and *Mr. Vander Anchor* came up to me, it ſeems they had forced open the door with a Crow of *Iron*.

L. Bridgman. The door of your Chamber do you mean?

Tryon. No, the Street-door.

L. Bridgman. How was your Chamber door opened?

Tryon. I never lock my Chamber door, but pull it too.

L. Ch. J. Hide. Mr. *Hill*, the Counting-houſe where the Jewels were, was that lockt ?

Hill. Yes, and the Drawer *I* think was lockt, ſometimes he does, and ſometimes he does not lock it.

L. Ch. J. *Hide.* Was the Houſe doors open, or no ?

Hill. Before *I* came, the Neighbours had broke open the Door.

L. Ch. J. *Hide. Mr. Tryon*, were your Counting-houſe and Till, where the Jewels lay, lockt ?

Tryon

Tryon. Ever my Lord.

L. *Ch. J. Hide.* That night?

Tryon. Yes my Lord.

L. *Ch. J. Hide.* Was it opened with a key, or broken open?

Tryon. *I* know not how it was opened, my key was among a bunch of keys.

Peter Vanden Ancor ſworn.

L. *Bridgman.* When *Mr. Tryon* cryed out, you came in, did not you?

Vanden Ancor. Yes my Lord.

L. *Bridgman.* How did you find him?

Vand. *I* was lately come home, my Daughter heard a great voice of murder and robberies, *I* went out, and ſome of the neighbours were breaking open the door, and *I* was the firſt that went into the houſe; and ſo *I* went preſently up to maſter *Tryons* Chamber, and found him bound with this rope; and put it into my pocket, and ſearched about the houſe, and ſeveral neighbours came in.

Chaplain ſworn.

I was at the door with maſter *Vanden Ancor*, we went into the Warehouſe and Comptinghouſe, and all open, Caſh was taken away without any breaking. Sayes maſter *Tryon*, all my mony is gone, 1000. and odd pounds; ſeveral pieces of plate were there left. We went up with maſter *Tryon*, and ſent for a Chyrurgion to dreſs his thigh: by this time his man came in, *I* asked him where he had been? ſayes he, *I* have been at Collonel *Turners* at ſupper. Where is the maid? ſayes he, She is fallen into a ſwound; ſome maids came home with her; *I* asked her where ſhe had been; ſhe ſaid, At one *Chamberlins* a Goldſmiths; ſaid *I* to her, the man ſayes one thing, and you another. A little after comes in Collonel *Turner*, with his Lanthorn, and his hair turned up under a Cap, and there he made a great buſsle; *I* went to *Chamberlins* to inquire touching the maid,

he ſaid, They had been there with a Dancing maſter. *I* went to maſter *Tryons* again, We asked him, who he thought bound him? he named one *Chriſmas*, but *I* knew him not.

Lord *Mayor*. Did you not find any door that you obſerved, to be broken?

Chaplain. No, but all opened with keys.

Mr. *Chriſmas* ſworn.

My Lord, *I* know little of the buſineſs, about two a clock on fryday morning, there comes a Conſtable and other people, and knockt at my Ware-houſe doors; the mans ſervant of the houſe roſe up, and asked them who they would ſpeak with? they ſaid, they would ſpeak with one *Chriſmas*; hearing my name, *I* roſe up, *I* asked what was the matter? they ſaid, they muſt have me to maſter *Tryon*, he was rob'd; if he was, ſaid *I*, it doth not concern me; they told me, *I* muſt go to maſter *Tryon*; *I* ſaid, he was not a civil man to ſend for any at this time of night out of their beds; then another Conſtable came, and ſaid, He would break open the doors; ſaid *I*, *I* am not afraid to come to you, *I* am not the man you take me to be: Nothing would ſatisfie, but *I* muſt go; *I* told them *I* would, and then they took me into their charge, & carried me to the *Exchange*.

L. Ch. J. Hide. Who beſides the Conſtable?

Chriſmas. Two young men that I know, one *Bagualls* man, and *Brownings* man; they told the Conſtable, I was a man of repute, and an honeſt man; and my word would be taken at the *Exchange* for many 100. pounds: after that they intended to carry me to maſter *Tryon*; and the Conſtable of *Broadſtreet* carried me to the Counter, there I was till ten a clock; and then the Conſtable and *Turner* came to me: *Turner* asked me what Juſtice *I* would go before; I told him it was indifferent to me: Sir *John Frederick*, or the next, Sir *Richard Brown*, or before Sir *Tho. Aleyn*, Sir *John Robinſon*; all one to me whom *I* go before, but *I* think it moſt convenient to go before Sir *Thomas Adams*, becauſe he lives in the ſame pariſh with Mr. *Tryon*; we went there, and no man charging me, Sir *Thomas* diſcharg-

charged me, but desired me, I would go over to Mr. *Tryon*.

L. Bridgman. I observe this Gentleman was of a pretty bulk, somewhat corpulent, and so is Mr. *Turner*.

Turner. My Lord, I humbly beg I may have a stool to sit down, *I* am troubled with the Gout.

L. Bridgman. You may have one.

Mr. *Millington* sworn.

My Lord, *I* came to *Mr. Tryons* on Saturday in the afternoon, about the evening; and being sent for to come with *Mr. Turner*, he told me of the arrest that was made upon him, and said, that he should not comply with his words, in bringing the Jewels and remainder of the money; he desired me, I would go and intercede, that he might have his liberty to go about the Jewels; but I did not think it convenient to make my self concerned in it; he alledged, that if he did not it presently, the thief would be gone; it was hinted, that they that were with him, might go along with him, the *Marshal* and Serjeants; he said, if so many came, they would fright him away; for he said, he was walking about *Tower-hill* or *White-chappel*. But it was denyed, and could not be granted that they should go, it being out of their liberties; he desired to go near those places, keeping within the liberties, and to send for them; Sir *Thomas Aleyn* told him, he might as well send for them thither. He desired to go to the *Hoop Tavern*, and then some went with him to his house; his Wife was private with him behind a Partition; then he came out and spoke publickly to his Wife, saves he, there is a man will be walking all alone either at *White-chappel*, or on *Tower-hill*, do you go there, if he sees you, he will ask you whether you want any thing, and will deliver you what I told you. We went to the *Hoop Tavern* again, and about two hours after, the Jewels were brought by his Wife; that being done, we went to *Mr. Tryons*, *Mr. Turner* carried the Jewels; being at Mr. *Tryons*, the Jewels were there opened; we found by perusal that there was onely a Carcanet

Jewel

Jewel wanting, of the value of about two hundred pound; and Mrs. *Turner* ſaid, the man told her, that that Carcanet was fallen behind a Cheſt, but did not doubt to procure it to morrow: Afterwards Sir *Thomas Aleyn* told him, now he could do no leſs then commit him to *Newgate*; Mr. *Turner* told him, then he had better have kept the Jewels; the remainder of the money being asked for, he ſaid he would be bound for it.

Mr. *Mannock Sworn.*

Juſtice Bridgman. What diſcourſe paſſed between you and Mr. *Turner* at *Newgate?*

Mannock. My Lord, he told me Mr. *Tryon* was to give him 500 pounds to get the Jewels and money, and that he had got him 500 pounds, and moſt of the Jewels; and that if Sir *Thomas Aleyn* had not ſecured him, he did believe that he ſhould have had them all; but *Newgate* was not a place to find them out.

L. Bridg. Did he tell you of bringing any money from his own houſe? that the 500 pounds he delivered Mr. *Tryon*, was proved from his own houſe.

Mannock. He did tell me ſo my Lord.

Turner. My Lord, I own it, I ſhall unfold the riddle by and by.

Sir *Thomas Chamberlain Sworn.*

L. Ch. J. Hide. What know you Sir *Thomas* of this buſineſs, pray let the Jury hear you?

Sir *Thomas Chamberlain.* My Lord, on Fryday morning I was at the *Eaſt-India* houſe, keeping Court there for that company; afterwards *I* went to the Exchange, and being tired, *I* called in at the Coffee-houſe, and there heard that Mr. *Tryon* was rob'd; I went directly home and dined, about three a clock I went to Mr. *Tryons* houſe, an old friend of mine, my Fathers Servant heretofore, I went to viſit him, and found a great many people about him; Sir *Thomas Aleyn*, Lady *Garret*, and the Counteſs of *Carlile* was there; *I* told him, Mr. *Tryon*, *I* underſtand you have been rob'd, Yes ſayes he, *I* have a great loſs; *I* found him very ſtaggering

gering what he ſhould do; *I* ſaid, you muſt now do like a man, or you will loſe all; ſaid *I* to Sir *Thomas Aleyn*, if you do not help the poor man being ancient, he will quite loſe all; with that *I* went up above in the houſe, Sir *Thomas Aleyn* was pleaſed to call me along with him, *I* was by at all the Examinations; *I* did miſtruſt, and told Mr. *Tryon* in French, that no doubt but that Gentleman was in the Robbery; the reaſon was, that he being a frequent man in the houſe, knew every thing; he was there continually, coming for Jewels and things, and no man could do it but himſelf; that was my judgement. *I* told Sir *Thomas Aleyn* aſſuredly he had a hand in it; my Lord, the while we were examining the Servants, word was brought in, that he was hearkening at the door, and in the yards, which made me more and more miſtruſt him; we heard that the maid had been gadding abroad ſeveral times, *I* deſired Sir *Thomas Aleyn* to examine the maid how often ſhe had Supt at *Turners*, ſhe denied any time; the young man was examined, who ſaid, they had been 30. or 40. times feaſted at Collonel *Turners*. My Lord, Sir *Thomas Aleyn* have given you a juſt account, but he omitted one thing; he had a note ſent him which he had in his Pocket touching Mr. *Turners* going about removal of the money into the *Minories*; and before *Turner* came in, he examined miſtriſs *Turner* upon that note; ſayes he, you were there too and carried the mony; ſayes ſhe, ſhe is a lyar and a Whore for ſaying ſo: Coll. *Turner* came in and ſaid, Why do you torment and vex my Wife? and falling a Curſing, and Swearing, and Banning, ſaid ſhe was with Child, you will make her miſcarry, let her alone; Sir *Tho. Aleyn* examined him where he had been that day, and that night; told him of many Tavernes, and going to ſee his Horſe, and *I* know not what, but we found him faultering: when the Jewels were brought, there being two Notes, Sir *Tomas Aleyn* had one, and I another; the Old Gentleman was ſo joyful to ſee them again, that lying by him, and handling them, he puld two or three down with his ſleeve; Says *Mr. Turner*, come, I know what belongs to them better then any of you,

read

read them over and I will shew them you; there wanting one Jewel, sayes he, that Rogue that has the other money, hath this Jewel, but I do not doubt but I shall find that out too; we put them altogether, and Sir *Thomas Aleyn* sealed them with his seal; For the bags of money *I* saw them taken out, and one being sealed with a small seal, *I* put on both my Spectacles, *I* found a Lyon Rampant at top in one of the quarters; said *I*, this is a seal of some great Person, and then a letter was brought down, and being compared, *I* was satisfied in my Conscience they were alike; Sir *Thomas Aleyn* told him he must make a Mittimus for him and his wife; said she, do you send me of your Errands, you shall send some body else another time; *I* thought it would come to this: After much ranting and swearing, (*I* thought the Devil would have fetched him out of the Room) he said, that he had better have kept the Jewels, then to bring them forth, and to suffer for it himself, for he had pawned his soul, and would not reveal it; and said that *Mr. Tryon* had likewise ingaged the like to him: For the six hundred pound, he offered his bond.

L. Mayor. Pray repeat one part of your Evidence again; that was, that some body came to Mr. *Tryons* house, from the house in the *Minories*, charging Mrs. *Turner* to have been at that house.

Sir *T. Chamb. I* said, that before *Turner* came in with the Jewels, Sir *Thomas Aleyn* had received a little note, wherein was affirmed, that *Turner* and his Wife had been there; with which she was acquainted, and swore and took on, she was a Whore for she was not there.

S. T. Aleyn. When *I* examined *Mrs. Turner*, she would own nothing. Why said *I*, will you deny this which is so apparent? that you were there (the maid told you so now) you denyed it when I charged you with it.

Mrs. Turner. I did not, it's false, what did------

Turner. Prethee be patient dear *Mal*, come sit thee down.

S. T. Aleyn. I asked Mrs. *Turner* whether she knew of any money carried to the *Minories* that day; she said, she knew of no money at all; and said she was a whore that that said it.

Mrs.

Mrs. *Turner.* They put it to me that I knew who brought the money to my houſe, and that a Woman acquainted them ſo; I ſaid ſhe was a lying Whore that ſaid ſo.

L. Ch. J. Bridgeman. Mr. *Hill*, what time of night did you go out that night?

Hill. It was 7 or 8 a Clock.

L. Ch. J. Bridgeman. Was the dore locked?

Hill. Yes.

L. Ch. J. Bridgeman. Did you carry the Key with you?

Hill. Yes.

L. Ch. J. Bridgeman. Was there any more Keys?

Hill. There was another above in the Chamber by my Maſter's bed.

L. Ch. J. Bridgeman. Did you find that other Key when you came back?

Hill. Yes.

L. Ch. J. Bridgeman. In the ſame place?

Hill. I know not that.

L. Ch. J. Bridgeman. Mr. *Hill*, you have been acquainted with ſome Tranſactions between Mr. *Tryon* and *Turner*; was he not employed about a Mortgage?

Hill. Two or three.

L. Ch. J. Bridgeman. Was not the Names of ſome perſons given to you to that purpoſe?

Hill. We have two or three Mortgages my Maſter lent him ſo much money upon: We heard of one man, but whether he gave Order to Mr. *Turner* to take ſo much money upon the Land, we know not.

L. Ch. J. Bridgeman. Mr. *Tryon*, have you inquired after the perſons?

Tryan. No my Lord; I did beleeve all was true.

Garret. I have enquired after Sir *Theophilus Gilpin*, but cannot find that he has any Eſtate in *England.*

Turner. My Lord, *Gilpin* onely aſſignes a Judgement of *Weſcott's.*

L. Ch. J. Bridgeman. Then if *Weſcott* be good, it is ſufficient; you ſhould inquire after him.

Sir *Thomas Aleyn*. My Lord; *John Turner* his Son there, fled away from me, when I came to the House in the *Minories*.

L. Ch. J. Bridgeman. Why did you flie away?

John Turner. I did not, Sir.

Sir *Thomas Aleyn*. No! You ran away as fast as you could; you got over a ditch.

John Turner. My Lord, a Woman cryed out, Get away and save your life; and I not knowing what the matter was, I went away.

Coll. *Turner*. Poor Boy; he thought Thieves had been coming, and affrighted him.

Sir *Thomas Aleyn*. As to *Ely Turner*, I examined him upon the Sunday, the day after his Father was committed, he would not confesse the carrying of any Money; and the Maid swearing it, I committed him also.

Coll. *Turner*. What's that of *Ely*? Upon my Soul, the Boy carried none.

John Turner. I carried what was carried.

Coll. *Turner*. My Lord, one Son is as dear to me as the other, but if either be more, it must be my eldest; but yet I must say, it was *John* my eldest Son that carried the money.

Sir *Tho. Aleyn*. My Lord, *William Turner* was brought before me on Tuesday or Wednesday; Sir *Rich. Brown* sent out his Warrant for him, being a person of evil name, and likely to do such a fact: Being taken, he was brought before me. My Lord, when Mr. *Tryon* looked upon him he suspected him; I examined him when he saw Coll. *Turner*; he said, not these three years, not to speak to him; and yet one at the *Cock* behind the *Exchange* said, this *William Turner* staid for Coll. *Turner* at his house two hours; that Coll. *Turner* came in, paid for the Pot of drink, and for ought he knew they both went together; thereupon I committed him.

In the Afternoon I ordered this person to send his Servant; one came and made Oath that he came in, and inquired for Coll. *Turner*, asked for him, staid two hours for him; that they

they went both out of the house together; and this was on the Wednesday, the day before the Robbery.

William Dawes sworn.

All that I can say is this; *William Turner* was at my house on Wednesday was seven-night last; comes in, and called for a Flaggon of Beer; there comes in a Customer of mine, says he to me, What do you with such a Fellow in your house? have a care of him, he is a dangerous fellow; presently after Col. *Turner* came in and paid for a Flaggon of Beer, and went away.

Col. *Turner*. I drank not with him, did I?

Dawes. Not that I saw.

L. Ch. J. Bridgeman. Sir *Tho. Aleyn*, Did not this *William Turner* deny that he had seen Col. *Turner* lately.

Sir *Tho. Aleyn*. He said positively he had not seen him these Three years so as to speak to him; said, he was grown too high for him.

John Rouse (*Dawes* Servant) sworn.

L. Ch. J. Bridgeman. Do you remember when *Will. Turner* was at your Masters house? which is he?

Rouse. That's he (pointing to *William*) he was there upon Wednesday the 6 of this month.

L. Ch. J. Hide. Did *James* (called Col.) *Turner* come there then?

Rouse. He came, and said he staid for the Col. and by and by the Colloncl came?

L. Ch. J. Hide. When he came, what did they?

Rouse. He went to the Bar and paid the reckoning.

L. Ch. J. Hide. What time of the day?

Rouse. About 12 or 1 a Clock.

L. Ch. J. Bridgeman. Did you ever see them both there before?

Rouse. No; I never saw them together before, but several others have inquired for Col. *Turner* at our house.

L. Ch. J. Hide. By the Oath you have taken, Did *William Turner* ſay he ſtaid for Col. *Turner*, and that after Col. *Turner* came, he paid for the Drink, and they both went away together, and this on the Wedneſday.

Rowſe. Yes Sir, it was ſo.

Col *Turner.* My Lord, I left him there; he followed me to the Exchange about his Arrears, as Twenty poor Gentlemen doe.

Mr. *Garret*, Mr. *Watcher*, Mr. *Pilkinton*, and Mr. *Peter Cully*, Sworn.

Mr. *Cully.* My Lord, and Gentlemen of the Jury, I was at Mr. *Tryon's* this day ſeven-night; as I came from him, I met Sir *Thomas Aleyn*, Col. *Turner*, and Major *Tasker* comeing up Stairs; they asked who was there with Mr. *Tryon?* I told them no body; *Turner* deſired earneſtly they would ſtay a little; for (ſayes he) Before God you will ſpoil all the buſineſſe by and by; after he had been a little time with Mr. *Tryon*, he comes forth again, he takes up the Bags of money; ſayes he, theſe belong to me, this is not Mr. *Tryon's* money; he carries it to the old Gentleman; he comes into the room, ſayes he, Gentlemen you may be all gone, the old Gentleman is ſatisfied, his money and jewels ſhall be forth coming by Five a Clock this Night; Perſons of quality are concerned in the buſineſſe, and the old Gentleman will not proſecute: I asked Col. *Turner* why was the money carried from your houſe to the *Minories?* he ſaid there was none, and did affirm it with an Oath. When the Bags were taken out of the Wallets upon comparing of a Seal of one of the Bags, with the Seal of a Letter produced, I found them the ſame. That's all I can ſay.

Mr. *Watchter.* My Lord, laſt Saturday between 12. and 1. of the Clock came Col. *Turner* on the Exchange, and ſaid that Mr. *Tryon* ſhould have all his money and jewels by three of the Clock that Afternoon, and if any man could ſay that he loſt Six pence of his money, or ſix penny worth of his Jewels, he

he had two Fellowes in cuſtody that ſhould ſuffer for it; and asking him why the money was that morning removed from his houſe to the *Minories*, he ſaid with a great Oath, the money was never in his houſe.

Mr. *Garret*. When Coll. *Turner* brought home the money, he took up one of the Wallets and ſaid, *Jack* take notice this is my money.

L. Ch. J. Hide. Where was this?

Garret. In my Couſen *Tryon*'s houſe, and that he only left it with my Couſen *Tryon*; when we looked over this money in the Evening we found that Seal, that this Gentleman (pointing to Mr. *Cully*) hath ſpoke of, it was a little defaced, but yet apparent enough.

Turner. I did ſay ſo my Lord, he ſpeaks truth.

Mr. *Pilkinton* Sworn.

I can ſay no more then hath been ſaid already, I ſhall repeat it. Being at the *Hoop* Tavern with Mr. *Tryon*'s man and others, with the Officers, we were diſcourſing of his Robbery, and I was ſaying, that I admired he being ſo ancient a Gentleman, they would uſe him ſo barbarouſly as hath been related; ſaid Coll. *Turner*, in that they went beyond their Commiſſion, they had no order for it: and being asked how they got into the houſe, he ſaid one got into the Cellar in the day time, and ſo related it in the ſame manner, as ſeveral Witneſſes before: being asked how his Tooth came to be beaten out, ſayes he, it was not with a blow, but the mans finger being in his mouth, he cloſed his teeth, and ſtrugling to get out his finger, his knuckle thruſt out the tooth; and then Mr. *Tryon*'s man ſaying, if he and the Maid had been at home, they ſhould have been kill'd, No, ſaid *Turner*, you would onely have been bound.

L. Ch. J. Hide. Now Mr. *Turner* you have heard your Charge, you will do well to make an anſwer to it, you ſee what is laid to your charge.

Turner. I my Lord, I ſhall clear it all, every Syllable of it.

Mr.

Mr. *Martin's* Coach-man was called and Sworn.

L. Bridgman. Tell the Jury what you know, did you see any people about Mr. *Tryon's* house upon *Thursday* night.

Coach-man. I did, my Lord, I was come by from the Play-house with my Coach, I saw four men, two on one side of the dore, and two on the other side, every one had a Handcher-cheife tyed about his neck, and every one of them had a good Cudgell in his hand.

L. Bridgman. What time a night was that?

Coach man. About eight or nine a Clock at night.

Lord Mayor. Was their faces turned towards Mr. *Tryon's* dore, as if they were to go in, or to knock.

Coach-man. No Sir, two stood towards *Fenchurch-street*, and two stood toward *Leaden-hall-street*, I did suspect such a businesse, for they pulled down their hats over their faces.

L. Ch. J. Hide. What kind of Cudgels had they?

Coachman. Sticks somewhat bigger then Walking-Staffs.

[Mr. *Tryon* looking upon *William Turner* at the Bar, said, This man, whose name is (as I understand) *William Turner*, I do suppose to be one of the two that was in my Chamber at the Beds side, and that indeed did strike out my Tooth. I asked him why do you use me so inhumanly, like a Beast, and not like a man? I am quiet, what would you have? sayes he, Be still, you shall not lose a hair of your head.

L. Ch. J. Hide. You beleive that to be the man.

Tryon. I would be loath to charge him, but he is as like him as any ever I saw.

L. Ch. J. Hide. Had they either Vizors or Masks on?

Tryon. Nothing my Lord, bare-faced, one said to the other, it's but past a 11 of the Clock, else I had not known it, I was asleep, with Surprize amazed, being an ancient weak man.

L. Ch. J. Hide. As neer as you can conjecture is that the man?

Tryon. Yes, both of face and pitch.

Lord Mayor. Mr. *Tryon*, Did you observe those persons that

that were at your bed-side, wh[illegible] or Crevats about their necks?

Tryon. My Lord, I did not take notice [illegible] remember it.

L. Ch. J. Hide. You hear your Indictment, that you and *William* and *John* are Indicted for the Felony and Burglary, for breaking and entring into the house of Mr. *Francis Tryon*, and stealing the particular Goods and Money, as you have heard; I would propose this to you, to make your defence touching your Charge, which first that you and *William* met the day before, he came in first, and said he staid there till you came, you came and paid the Reckoning and went away; you two were together the day before, what your business was, you can better tell than I. The night he was robbed his Servant being gone the dore was double locked, you knew all the private places where the Keys lay, all the rooms wherein Cash, Jewels, where every thing was; and it was not possible this Burglary could be committed but by one that knew those things.

Turner. There are about twenty people that knew as much as I, his Servants, and such as had been his Servants.

L. Ch. J. Hide. It falls out that the self-same night after this house was robbed in the Morning early, you, your Wife and Son go to remove store of Money out of your house.

Turner. It was two Nights after the Robbery, pardon me my dear Lord.

L. Ch. J. Hide. When you carry this you go with a false story that a Merchant was broke, and you must needs have some of the money for his Wife, and 8 Children, and this money was to be set aside for them. ----

Turner. It was so, my good Lord. ----

L. Ch. J. Hide. You will do well to hold your peace a while; Your Wife and You disowned you removed any money, yet afterwards when the money was brought there and taken upon Suspicion (you taken in the very place removing the money) you owned it to be your own; that then it appeared that one of those Bags was sealed with the Bishop of *Chichester*'s Seal; and at the time of the Burglary there was 600 *l.* in Bags left with

with Mr. *Tryon*, ſealed with the ſaid Seal, and one of thoſe Bags you brought back was taken with you, and owned to be your own; and had the ſame Seal; that's proved by Four or Five Witneſſes, compared with the Seal of a Letter of the Biſhop. Your Son on their coming thither, he takes footing and leaps over the Ditch to eſcape, which is a good juſt ground of Suſpicion, that he is guilty of ſomewhat that he would not abide to anſwer; your ſelf and Wife take upon you to know every thing; you know how the uſage was; that there was a purpoſe they ſhould not be killed; that he was gagged; that they exceeded their Commiſſion; if the Man and Maid had been at home they ſhould have been but bound; all particulars you take upon you to know; and to confeſs the whole and the manner of it; Nay, tell the ſtory how they came in.----

Turner. As I was informed. ----

L. Ch. J. Hide. Lay all this together, unleſſe you anſwer it, all the World muſt conclude that you are one that did this Robbery.

Turner. I ſhall anſwer it, and I hope to give all the World ſatisfaction; Pray call

Mr. *Vandeputt*,	Mr. *Cook*,
Mr. *Covell*,	My Maid,
Mr. *Eſnow*,	And the Lord Marquiſs of *Dorcheſter's* Servant

L. Ch. J. Hide. Tell us to what purpoſe.

Turner. To clear every particular.

L. Ch. J. Hide. Open it.

Turner. I ſhall firſt prove that upon Thurſday night the time of this ſuppoſed Burglary, that my Self, my Wife, and all my Family were in Bed faſt aſleep, and innocent, not knowing any thing of this Buſineſſe; This I ſhall prove, if not, let me hang and all my Family.

L. Ch. J. Bridgman. All this may be true, and yet this not to the purpoſe.

Turner. Then I cannot be guilty of the Burglary.

L. Ch.

L. *Bridgman.* If you will lay and plot ſuch a Robery though you are not there; yet, you are guilty of it, for it is ordinary, that the maine ſetter, will not be preſent at ſuch times; but will be then in Bed, that people may take notice thereof; but ſatisfie the Court by what means, you came by this Mony and Jewels, and then call your Witneſſes.

Turner. I ſhall go on by degrees, and certifie the whole.

L. Ch J. Hide. My Lord *Bridgman*, hath put you upon the right buſineſs, do that in the firſt place, make it appear, how you came to know ſo exactly, the whole carriage of this buſineſs, and how you came by the Money and Jewels.

Turner. I ſhall do it my Lord: The Conſtable coming for me by Direction of Mr. *Tryon* to aſſiſt him, I came to him, ſaith he ſome Villaines have been here, and have Robbed me this night, which made me weep, ſaid I, theſe are wicked people; I gave you notice, how you ſhould have been Robbed about a year ſince, but that was prevented; and ſaith Mr. *Tryon*, for Gods ſake, aſſiſt me in this, and I ſhall be thankfull to you. Sir, ſaid I, did you ſee the Faces of them, ſaid he, it run in my mind very ſtrongly that one of them is *Chriſtmas*; ſaid I, who is he, ſaith he, 'twas *Hanſon* the Grocers man, I know *Hanſon* ſaid I: *Moſely* go and knock up *Hanſon*, and know where *Chriſtmas* is, and bring him to Mr. *Tryon*, *Moſely* took two or three Men, and went to *Thomas Hanſon*, in *Marke-Lane*, and there found, at a Brick-layers houſe where *Chriſtmas* lay; he was a little refractory to riſe, another Conſtable coming, he came down, and then they ſent *Chriſtmas* to the Counter; *Moſely* came and told us, he was in the Counter, I ſat with Mr. *Tryon* that night: But my Lord, pray obſerve how my Name came into Queſtion, the young Man and Maid being out, came home late, the Conſtable was there then; Friends, ſaith he, where have you been, ſaith he, I have been at Collonel *Turners* at Supper, which was a notorious lye, and brought me here in queſtion, God forgive him for it, away com.s the Conſtable by direction

of Mr. *Tryon* and *Hills* lye together, he came to my House, we were all a sleep; I a rose and asked who is there, it is I, said Mr. *Mosely*, Mr. *Tryon* is Robbed, pray come down, I came down and opened my Door, saith he, was Mr. *Tryons* Man and Maid here at Supper, when said I, to night, said he; I have had no Suppers these nine Moneths, said I; this *William* is a very Rogue, whereupon the Constable replyed, are your Sons within; yes, in Bed these two hours, do you suspect any thing by my Sons, he went and looked, and saw my Wife, he finds my Sons fast a sleep, the one indeed was awake; pray said I, see that you know them again. Upon my Honour my Lord, this (pointing to *Elis* was a sleep.

L Ch. J. Hide. Upon your Honour Sir, pray speak by your Honesty.

Turner. Lapsis Linguæ, My Lord. It is my usual phrase, hope I shall appear to be a good man, This Child was a wake, he saw the Maid, my Daughters, searched every Room, searched every Place that was to be imagined, to be searched, saith the Constable, I am very glad that your Servants, your Children, and you are in this condition, I will acquaint Mr. *Tryon*, what a Rogue this *Hill* is, how he hath belyed you; Nay, said I, pray take me with you and so I went with my hair put under my Cap: when I came to Mr. *Tryon*, I asked him who had been there; Pardon me my Dear Lord, if I were guilty, I should not speak any thing to excuse it, when I had understood this, I gave the Constable five shillings, and desired him to search about this business, I went to Mr. *George Day* the Goldsmith, and gave him a Note of those things to be Printed, that they said, they had lost, Friday came, and at night Sir. *Thomas Allen*, was pleased to Argue it with me, I told him and the Gentleman, these must be some Rogues that knows the House, which put me in mind of a former crew that was to Rob him a year since.

L Bridgman He would be glad you would speak to the purpose.

Turner. I did charge the Constable, and Mr. *Pilkington*, that

that they would get up before day, and that they would go to ſuch and ſuch places, where the Conſtable and I had privately ſpoken of, to *Ratcliff* or *Ratcliff-croſs*: The Conſtable and Mr. *Tryons* Man had been there, but the Man and his Wife was gone into *London*, but afterwards by inquiry, the Boy ſaid they were gone into *Hartford-ſhire* a week before: This Boy is in two tales, here is ſome pray God theſe people be Honeſt.

L. Bridgman. Go on.

Turner. Your Honours Servant my Lord. Afterwards I went beyond the little *Poſtern* between the two *Tower-hills*, near the *Tower Ditch*, there is one *John Wild* who had been formerly here in *Newgate*, he ſhould have been tranſported. This fellow coming into my mind, I having before been to take him in *Eaſt Smith-field*, I had News he uſed *White Chappel*, *Eaſt Smith field*, and *Tower-hill*, and had Lodgings by the *Blew Boare*, by the *Little Poſtern*, and at *Noahs-Arke*, and at the *Lyon* in the *Wood*, the Corner houſe at *Tower Ditch*, this houſe about *Tower Ditch*, and the *Nags-head* at *White Chappel*, were the two places where I found thoſe perſons about a twelve Moneth ſince, that ſhould have Robbed him, going now from houſe to houſe I paſſed a fellow in black, in a large Coat, ſuch another man as this (pointing at one that ſtood by) he was in a black looſe Coat, and he was Trimed with Ribbon at the Knees. This perſon I paſſed him, and he paſſed me, and then I out went him, and meeting him on the other ſide, I was confirmed it muſt be one of theſe fellows I looked for, one *Wild* and *White*, paſſing the ſecond time *I* run to him thruſting to him; what mean you, Sir, ſaid he, ſaid *I*, *I* mean to lay flat Fellony to your charge, do not you know me; No, ſaid he, with a great Oath; then *I* know you, who is it Collonel *Turner* ſaid he, *I* ſaid *I*; ſaith he, what do you mean; ſaid *I*, Mr. *Tryons* houſe was Robbed, and you are the perſon that *I* will lay flat Fellony too, you ſhould have been one of them that were to Robb him a year ſince, when Collonel *Aſhton* betrayed you all; he began with ſome hard Oaths, bequick ſaid *I*, *I* will cal ou-,

you are an undone Man I will lay this Fellony to you.

L. Fridgman, What night was this?

Turner, The *Friday* night following about twelve a clock at night, I ſhifted my hold from his collor to the waſt-band of his breeches, I thought I had him ſecure; ſaid I, *Wild* do not deceive your ſelf, play not the fool if you will ſave your life; let me ſee where thoſe goods and moneys are, elſe you will go to the pot; ſaith he, pray ſpeak lower, we ſhall be heard; well I will ſpeak lower: We walked to the hill, I had faſt hold of his breeches all this while and yet I was afraid he might have ſome Dagger and ſtab me; ſaid I, be brief you are not alone, either reſolve me, or, I will callout; then I will tell you ſaith he, Col. *Turner*. I underſtand you are a perſon of honour, and a gentleman that will keep your word, and if you will upon a ſerious Vow and Promiſe ſave my Life, I will unfold the buſineſs, but if you will not; with a great Oath ſaith he, you ſhall hang me and looſe all the Jewels; ſaid I, what will you have of me; ſaith he, you ſhall ſwear to me, *That by the Blood of that Jeſus Chriſt that dyed for you, and I, and all ſinners, that I ſhall have my Life free, in caſe I diſcover the thing to you*, and then I will tell you more, if you will not, I will tell you nothing, do with me what you will: ſaith I, *Wild*, I ſhall ſtand with you ſo long, that I ſhall have my throat cut; upon my ſalvation ſaith he, ſtooping down upon his knees; ſaith he, let me never riſe up, if I am not juſt to you, and not a hair of your head ſhall be touched; ſaid I, come ſtand up, I do declare to you, that I will endeavour with old Mr. *Tryon*, Tell me where the things are? They are not farr of; Where are they? They are at two places, but do you ſwear to me; he did in ſhort, make me ſay the ſame words that I have repeated, and that I would get Mr. *Tryon* to engage himſelf too, by the ſame Oath I did ſwear to him, thinking my life in danger, and thinking my friends goods likely to be loſt; and did, and do intend by the help of God to make good my Oath; ſaith he, walk with me, he whiſtled once, the ſecond time, and at a pretty diſtance, a third time, and within a little while came another fellow to him at the further end

by

by the *Horſ-ſhoe* Tavern; he comes, ſaith he, art thou come *Tom*, I think he called him *White*; I ſaith he, what ſhall we doe, we are all undone, my face is known? but I have lit in the hands of a Gentleman who will ſave my life, but for you, he knows you not; ſaith he, the money muſt be returned, go and fetch that money, ſaid I, ſhall not I go with them? no ſaid he; and truly my Lord, I was very glad to take him at his word, if I had gon I might have had my throat cut; there was this 500l. brought at twice, three and two, they went again, and hope brought as I take it, two and one, ſo there was three and two, and two and one.

L. Bridgman. VVho brought it.

Turner. *White*, all this while I had the fellow by the breeches, and would not part with him, it was from a little paſt 12. till 4. bringing, and was left on the Cauſy and went away, and fetched the other; this fellow and I all alone together had this diſcourſe; ſaid I, what deſperate Villains were you to go and uſe the old Gentlem. in this manner, fourſcore years of age, you beat him and abuſed him, you are ſtrange mad fellow; why could you not let him ſleep in his Bed, he was a ſleep when you came in, you were the madeſt fellows that ever was: Saith he, ſome of you hath ſtab'd him I think, you deſerve ten thouſand deaths for laying your hands on him, though you did not take ſix peny worth of his goods; Saith he there was no intention of hurting him; upon my ſoul there was no order or commiſſion, ſaith I, how got you in, ſaith he, the doore ſtands open half a day together almoſt, one got into the Cellar, and ſtood till all was a bed, he went into the Kitchin found a Candle ſtanding lighted, and went up into the old Gentlemans Chamber, and there he found the Key of the doore, came down, opened the doore and let the reſt in. How many was there of them? ſaith he, three or four, ſaid I, what did you doe, and what would you have done? we would only have bound them: How got you to the treaſure; by a Key out of the old Gentl pocket: I think there is no hurt to the old Gentleman. I would not for all the world there ſhould: you ſhall have the things again, and pray you keep your word with me about 4, a clock, in the mo-

ning they brought the money; now said I, what shal we do with it: I can do nothing with it, you must carry it home to my house; these two fellows carried one three and the other two Bags.

We went through *Aldgate* with the money and so to my house, my Wife, nor Sons, nor no soul, God is my witnesse, knew any thing of this business but my self: I knockt at the door, this young man pointing to *John*, came down and he unbolted, unlocked and unlatched the door: My Parlour and Kitchen is of all one floor, they followed me in, and threw down the Money; he bringing the Candle to me, no said I, doe not bring it; said I, *Wilde*, What shall I do for the Jewels, and the rest of the money, you shall have them brought you, where you will appoint to day; I will have them brought hither, saith he, that cannot be, I have forgot my self, this money must not lye here, you must remove it from hence, for the other Youths that have the rest of the mony, and Jewels will never be brought into the Citty; If you will remove it into the *Minnories*, my life for it, you will have it all; I will pretend there we will share it; you must not let it lye at all but carry it presently thither; I will tell what I will doe, have you any acquaintance about *Tower hill* where you wil leave it: No, said he, nor I neither said I, I went up staires to my Wife, *Mall*, said I, have you any acquaintance about the further *Tower hill*, I durst not trust my Wife nor Sons, for I thought their tongues might be too long, and I left them in perfect ignorance, truly I must clear them; *Mall* said I, there is a Gentlewoman whose Husband is failed (this was a fained story my Lord) it must be secured about *Tower-hill*, she was pretty well awaked: Saith she, there is the Commissary General of the King, his daughter *Betty Fry* keeps a shop of Linnen at the lower end of the *Minnories*; doe you think she will be private and let it lye for 4, or 5, hours, undoubtedly she will, saith she, prethy get up and put on thy cloaths; and go thither: *Wilde*, where shall I finde you about 8, or 9, a clock. I will lodge this at the Sempsters shop upon the right hand at the farther end of the *Minnories*: Tell me where I shall meet you, and we will have this mony carried there;

there; my Son and I we will have it lodged, Saith he, you ſhall have me walking within three doores of the *Blew Pig*, ſo he called it, Saith I, what mean you; ſaith he, it is a little ſigne, no bigger than a *Pig*, but it is called the *Blew Boare*, there you ſhall have me walking in the under or upper Cauſey. My Lord, I took this boy pointing to *John* who knew nothing, I told him it was a Friends money, I raiſed my Wife, *Mall* ſaid I, come away, my wife went before, the Boy and I took the money: I carried two and he three: my Wife went and knockt up the maid, the door was open when we came, God forgive this Maid that ſwears it was this Son, ſhe is miſtaken upon my Salvation, this boy was a bed and a ſleep: when the money was there, I ſtaid by my Wife, ſaid I, what have you done with this money, I did not tell my wife any thing; I came home coming home, there was my Son and Wife. I drank a Cup of Syder (for I kept a Hodges-head of Syder in my houſe) as ſoon as I drank it, I went out of doors immediately; ſaid I to this youngeſt ſon, ſtay at home, I ſhall have occaſion to uſe you by and by. I went to Mr. *Tryons*, coming there, I found Mr. *Gurney* the Merchant; ſaid I, Mr. *Gurney* I have good newes, I have ſome hopes of ſtrong preſumptions, that Mr. *Tryon* will not looſe one penny worth of his goods, marry ſaid he, I am glad of that; we went up to Mr. *Tryons*, we found him ſitting by a little Char-cole fire, as much as you may cover with your hands; he told us he had been up ever ſince three of the clock: we asked him, what he would have to comfort him, he told us, he had ſomething. Mr. *Gurney* after ſome diſcourſe, took his leave of him, ſo I ſat down. (*Jeſus what a noyſe is here in the Court my Lord, I can hear but with one eare*) I ſay, I ſat down at the bed-ſide of Mr. *Tryon*, he on the ſtool, Mr. *Tryon* ſaid I, I have good news for you; ſaith he, haſt thou, I am glad of it, with all my ſoul; Sir ſaid I, I am informed, you will not looſe any of your goods or money, there is but thirty eight ſhillings ſpent of all your money, the Rogues took but forty ſhillings out, and *Wild* told me there was two ſhillings ſaved; I dare boldly ſay, by three of the clock in the afternoon, you will be maſter of them

again,

again, I would be glad of that, and will give you five hundred pounds; but Sir said I, there is a taile hangs by this; you know you should have been robbed about a year since, and I have apprehended *Wilde* who was one of the intended Thieves; then he hath made me swear *By the Blood of Jesus Christ*, &c. that he shall have his life, if you have your goods; he hath engaged me, that you shall likewise swear by the like Oath, or else you shall hang him, and so loose your goods; said I, I have a great part of your money, but the Jewels and the rest of your money is wanting: the old Gentleman was almost over joyed, this is not true said he, said I, I do declare this is true in the presence of God, make no words of it, if the businesse be discovered we shall loose the Jewels; well said he, I will be ruled by you Collonel, and the Lord God make me thankful I have such a friend in the world that hath done this for me, I shall never make you amends, and thereupon he entred into the same Oath, *That by the Blood*, &c. the blood of the man should not be spilt, though he lost both Money and Jewels; I discoursed with him, I told him over and over again, left him satisfied, that I would be with him again, and bring him more tideings, but by three a clock I doubted not but he should have all; then it was almost eight at night, away went I to *Tower hill* to look my Merchant *John VVild*, he was here in *Newgate* formerly there found I him walking by the *Blew-boare*, carelesly walking there, with his Coat under his Arms; said I, how now, what news, I think I have now pleased you; saith he what? have you done, said I, I have lodged the money hard by and all is right, what have you done, is all right on he other side, all shall be well: but where have you lodged it? here at a Sempstress, at the corner of the *Minnories*; said he, the money must be removed, there are Sales-men thereabouts, and the fellow that hath the Jewels he is known, he will not come thither; remove it towards the water side, any where, and the things shall come my life for it. They had a Cats Eye Ring, they were such wise

Lape-

Lapidaries, they called this rool. Ring, when it was not worth 5l. He gave order that the money might be again removed to the other end by the *Horſhoove* Tavern; I run home, fetch'd my Son, ſaid, I Wife, we muſt have away the mony: My Lord, he told me he would have away the mony to the Half-moon Tavern in St. *Katherines*, or the corner Tavern at the *Iron gate*, ſaid I, are not you reſolved, well ſaid he, it ſhall be carryed to St. *Katherines*, he would meet my Son at the *Noah Arke*, at *Tower Ditch*; let my Son but hand the money over that Path, and he would hand it to the other; We did carry it, carried again, at his ſecond carrying comes Sr. *Thomas Allen*, he had heard ſome Cry of money left, he comes with a great company of People after him, and the fooliſh Wench ſaid to my Son Mr. *John*, fly for your life. *John* being ſurprized and affrighted, he went out of the back doore, went over the Ditch and went to my Houſe. Sir *Thomas Allen* had alſo ſent to ſecure my houſe; when the lad came home into the ſtreet, my doores were ſhut up: (Gentlemen of the Jury do you underſtand) the boy ſeeing ſuch a rout at the doore, ſaith the people, Mr. *John* your Fathers houſe is ſhut up about Mr. *Tryons* money, he walked by the ſtreet and went into *Biſhopſgate* ſtreet, and *Cheap ſide* into *Pater-Noſter-row*, and ſo into *Fleet-ſtreet*: I did not hear of him till Saturday in the afternoon.

When Sr. *Thomas Allen* came, ſaith he, Mr. *Turner*, here we have catcht you and the money; ſaid I, if you be haſty and paſſionate as you were laſt night, you will ſpoile all the whole buſineſſe: Tell me ſaith he, whoſe money it is, ſaid I, it is my money; the truth is, the Old Gentleman hath promiſed me 500l. it is the naked truth, I would not have Sr. *Thomas Allen* the honour of gaining it, but I would have the honour of gaining it my way.

Sir *Thomas* would know whether it was my Money, *I* told *I* had received part of it at a Gold-smiths, so *I* put Sir *Thomas* off, Come, come, said he, we will carry this money to Mr. *Tryon*, said *I* to Mr. *Tryon*, here is part of your money, you know what *I* told you even now, *I* saith he, God be thanked, before Sir, *Thomas Allein*; *I* asked him what his promise was, and told him how the passage was in short; And the old man did acknowledg that such a promise was made, and would have down upon his Knees; *I* passed my word to him that by three a Clock, *I* doubted not but he would have his Jewels, and the rest of the money; saith Sir, *Thomas Alleyn* go whether he said, live and prosper *I* know not, go God bless you, and upon my honour, (*I* think that was his word) the old man shall make good his word, I but Sir, *Thomas* what will become of me and you, by this business, for I understand the Law; how will this business be daubed up, you will be fined; Sir, *Thomas*, *I* must break my word, he must be apprehended, or *I* must suffer, saith Sir, *Thomas* do not trouble me with that, get but the goods, and the old mans word shall be made good, leave that to me; more then that he said, he would make up the business, or he would smother it. My Lord, you have a great deal of patience, *I* am humbly bound to you, here is nothing but the naked truth, step by step, as *I* trod it; Afterwards *Wild* came and said, all will be well; said *I* what have you done, are you sure, saith he, the Jewels, nor nothing shall be stirred; said *I*, you see all is spoiled; Sir, *Thomas Aleyn* is come where we had lodge the mony, the thing is known, do not they hear of it; Yes, they hear as well as you, and know what is done, and some have Eye upon you, said *I*, they will run away with the Jewels; No, you shall meet about three a Clock; no body knows me but you, your Wife, and your

Son

Son, who ſaw me this morning at three a Clock, either by the *Blew Figg* at *Tower-hill*, or *Nags-head* over againſt *White Chappel* Church.

It is agreed, for Gods ſake look to it, your life and mine is concerned if the Jewels be loſt, I will perſecute you to the Death, look they are preſerved and not purloyned; ſaith he, the baggs were never opened, I parted with him, he was to look for me at three of the clock; coming home about Change time, who ſhould I meet with but Mr. *Stubbs*, who told me that it was all the News upon the Exchange that you have been in the Robery; Said I, do not trouble your head, I have diſcovered the buſineſs; Then ſaid *Stubbs* you know I and *Thomas Lyon* are Bail for you, at that time I ſatisfied him; Afterwards that day I met with Mr. *Cole* the Officer, ſaid he, Colonel I Arreſt you? for what? for more foolerits yet; *Thomas Lyon* will not be ſatisfied, by ſix of the clock this buſineſs will be all over, nothing will ſerve your turn but violence, violence, no force, no Law, I was forced to go to the Hoope Tavern; I got them to ſend for Mr. *Stubbs* and *Lyon*, they came, Said I, what will you have? I am in proſecution of a buſineſs for Mr. *Tryon*, you will undoe it with this ſix penny buſineſs; ſay what Security you will have, and you ſhall have it; Said I, Mr. *Tryon*, and Sir *Thomas Allen* ſhall give you their ſecurity to ſave you harmleſs for being my Baile; Said they, hold Mr. *Tryon* were'e do it; we are Content, they went away, and told me they would get a Bond, and come preſently; but what was this preſently? I will warrant you they ſtayed two hours; It was ſeven a clock at night before I parted with them, I was fain to ſend the little Boy for Mr. *Hill*, Mr. *Pilkinton*, Mr. *Millington*; This was either a Curſe from God ſent upon me, or a Plot of Roguery that the money ſhould be loſt; They came not back till ſeven of the clock, and then without a Bond; and I fell a little violent, but I was telling them how

these Rogues told me the whole carriage of this Robbery; when it came that Mr. *Tryon*, and Sir *Thomas Aleyn* heard that I was in Custody, he sent a Constable with a VVarrant to bring us all before Him; VVhen we came there, I desired Sir *Thomas* to let a Gentleman go with me, I will break my Oath with these Fellows, and we will apprehend him, and make him bring the Jewels; Sir *Thomas Aleyn* told them, if they would all go together, they might, but to go out of the Liberties he could not let them go; I have you, and I will keep you, and do find him if you will; How now, Sir *Thomas* said I, are you come to this, have you fooled me all this while? I Faith, I thank you, for you have trappaned me very fairly; if any thing miscarry in my Honour and Reputation, or Blood, you are in the fault; Here I do declare, said I, if you will let me go, I will take him; Then Sir *Thomas* did incline to let me, what say you Officers, will you go out of your Liberties with this Gentleman? Sir *Thomas* said I, there is now Liberty or Priviledge for Felons, I will Seize a Fellow my self in any ground in *England* without VVarrant; I do remember this *Wilde* did Condition, that in Case I could not come, I should no man living but my self, because he had had my Soul pauned to him; I asked him whom he would trust. He said, if I could send my Wife, describing her to him, That she was a full short woman about forty or fifty Years old, she had a long black Scaffe on; then let him alone, if I cannot come, I will send such a woman, and send the things by her, and preserve your life; I told Sir *Thomas*, this story; My Wife came to me Publickly, I did not whisper with her——

Mistris

Mistris Turner, Nay look you Husband ——

Colonel Turner, Pray thee *Mall* sit down, you see my Lord my Wife will interrupt me with nonsense; Pray thee set thee down quickly, and do not put me out, I cannot hold Womens Tongues, nor Your Lordship neither.

L. Bridgman, This is not a May-game.

Turner, My Lord, it is a serious business, and I hope God will blesse it, —— pray said I, *Mall* go as you love and honour my life and credit, or any thing that concerns me I beg you to go, then I will go saith she, whether must I go? you must go to the further *Tower-hill*, six doors beyond the little Postern now it is so much of the clock, from five to seven he will walk there; a fellow will come to you in black, that man that in the morning took the money from *Jack*, he will know you, and once in a quarter or half an houre he will come to you; if you do not finde him in half an houre, stay no longer, but pack away to *White-Chapple*, aske for the *Nags-head* in *White-Chappel*, and once in a quarter of an hour you will have a man come to you, and take notice of you, and aske you who you are, and you must say, that you wa k for one to give you *somwhat*; he will deliver you *somwhat*, and whatever he delivers you, bring it hither; said I to them, you may send if you will and dodge my wife and catch him that way, they would not; I sent my poore wife away, and saving your Lordships presence, she did all be dirt her self, a thing she did not use to doe poor soul: She found this *Nags-*

head, she sat down being somwhat fat and weary (poore heart,) I have had twenty seven children by her, fifteen sons, and twelve daughters; seven or eight times this fellow did round her——

Mrs. *Turner*. Let me give that relation.

Collonel *Turner*. You cannot it is as well, prethey set down Dear *Mall*, set the down good Child, all will be well, when she came back, she came with something in her Apron, what are you spead, saith he? *I* know not what? a man came to me and asked me who *I* looked for? *I* told him? *I* looked for any man that would give me any thing? are you Collonel *Turners* Wife? and upon her answer he gave her these bags into her Apron, and was gone a matter of a yeard from her, step back again, that is not all, here is a Diamond Ring worth a hundred pound, give that to your Husband, and this Dyamond Ring proves a Cats Eye Ring, and worth but four pound.

Mrs. *Turner*. Well, and did not *I* bring these——

Collonel *Turner*. Look you my Lord, this Woman will put me out; My Lord, she did deliver all these things and went home, *I* did take out these Goods; now said *I*, Mr. *Tryon*, you see all is come (Sir, *Thomas Chamberlain* was there) *I* have performed all in my part, look to the rest, that you perform yours: Some people reports, that there is other jewels of my own; my Lord, they are all his own, and he will not disown it, and *I* do not expect my five hundred pounds for what *I* have done, according to his promise, *That as Jesus died*, &c. that the man should not

not be persecuted, nor loose a hair of his head, if he lose his whole Estate, and *I* do expect my money, not such a reward as this; after which *I* was commited by *Sir Thomas Allen*, and so was my Wife, now pray let me call my Witnesses, and if *I* cannot make it good, that *I* am clear, let me be hanged; My Lord, *I* shall humbly entreat that Mr *Vand put*, may be called Mr. *Cavil*, and the others.

L. Bridgman, What doe you prove by them?

Turner, To prove part of this business, That I did assure Mr. *Tryon* of his Goods, and to my reputation: I forgot one chief thing, I am not a man in Debt, take notice of that, no man in the world hath my Bill for 5*l*. There is onely this contest between Mr *Vanburgh* and my self, which is left to Arbitrators and the Lord Mayor is Umpire: It is known I have an Estate, and there is one thing remarkable; Gentlemen of the Jury, I could have had all these Jewels at any time in trust; I could have Broke as well as others and paid 5 *s.* in the pound: I lately made payment of 2600 *l.* for Goods, and I can have 20000*l.* Credit any day upon the Exchange: Why I that had this Credite, that might break for so much money? why should I put my Neck in a Halter, these are very strong Arguments for me, that I am not such a Person.

L. Bridgman, I will tell you what you have done; you have made a very long story, and have taken up the time of the Court these two hours in a Narrative, and when all is done, answer me, Have you any Witnesse to prove all this Discourse between you and *Wilde*.

Turner,

Turner. I have by Witneſſes to prove, I ſaid this, that there was ſuch Diſcourſes between us.

L. Bridgeman. No doubt of it, and ſo will many a man at *New-gate* frame ſuch a ſtory as this.

L. C. J. Hide. You have told a long ſtory about *Wilde*, that you took him by the Throat, and that you were alone, what Weapons had you?

Turner. None my Lord.

L. Bridgman. Had you a Lanthern with you?

Turner. No my Lord.

L. Bridgman. What time of the Night was it?

Turner. Twelve a Clock my Lord.

L. Bridgeman. You ſtaid till foure, ſo they were foure houres a bringing of the money.

Turner. Yes, my Lord.

L. Bridgman.

L. Ch. J. Hide. You took a man in the dark by the throat, that man that was guilty of such a thing, as when that you did let him go to call his Companions, to bring the money, bring fellows to you single; I would be glad to know whether in this case they would not have knocked you on the head, and killed you?

Turner. My Lord, *Wild* had engaged his soul, and I my soul to him, that if I would not discover him him I should go away free.

L. Bridgeman. Great security indeed.

Col. *Turner* called several Witnesses, *(viz.)* Mr. *Vandeput*, Mr. *Covel*, Mr. *Legoose* Mr. *Snow*, and Mr. *Mosely* the Constable. I desire my maid may be called; pray ask Sir *Thomas Allein* what he hath done with my Maid, he took her up with Sir *Richard Brown* and two Marshals men (pray Gentlemen make not a laughing business of this) Sir *Thomas* pray where is my Maid.

Sir *Thomas Allein*, I had this maid upon examination, I finde cause of further Examination, and thereupon directed an Officer to take her, and she is now in the Garden.

Mr. *Mosely* the Constable examined.

When I came first to Mr. *Tryons*, at Mr. *Tryons* house, he was bound, then he asked where his Man and Maid was, he said he could not tell, by and by the man came in, and being asked where he was, he answered he was at Coll. *Turners* at Supper, presently after we went to Colonel *Turners*, he came to the Window, his Wife and two Sons were in bed.

L. Bridgeman. Did Mr. *Tryon* give you order to come to him?

Mosely. Yes my Lord, he did.

L. Ch. J. Hide, Mosely you were Constable were you not? what discourse had you with Mr. *Turner* about a dangerous place that you did suspect where some people may be to do such a feat?

Mosely. I never heard of any such thing spoken.

L. Bridgeman. You say Mr. *Tryon* he wished you to call *Turner* to him; did he give you any order or direction to search his house? who wished you to go up to the house to see whether his Sons and Daughters were in bed?

Mosely. Mr. *Turner* did my Lord.

Turner. He doth not say true my Lord; pray ask him when he came to my door and I opened it, whether Mr. *Tryons* servant were there at Supper that night; I said no. Is your sons within said he? I said I. Pray let me see them.

Mosely. I came to Mr. *Turners* house and knocked at the door with some others with me, at last the Col. came out of his bed. I suppose he came out of his bed, being partly naked, he came down to the door, I asked him where are your sons; they are in bed says he; said I Mr. *Tryon* is robbed, he would have you come to him.

L. Bridgeman. Did he desire you to go up?

Mosely. No my Lord, but I asking him whether his sons were in bed, he said, I prethee go up and see.

Turner. My Lord, I would prove where my sons were on Thursday night at ten a clock.

Lord Marquis of Dorchesters *servant examined.*

My Lord, till nine a clock they were with me at my Lord Marquesses house.

L. Bridgeman. What time came they thither?

M. Servant. Between seven and eight at night.

Coll Turners *Maid examined.*

Turner. Come Maiden pray tell my Lord and the Court when my sons came home this night.

Maid. Between nine and ten a clock.

L. Bridgeman. Were your Master and his Sons in bed all Friday night or no?

Maid. Yes my Lord they were.

L. Ch. J.

L Ch. J. Hide. Did your Master go forth on Friday night?

Maid. No, he was at home and in bed all that night till eight a clock in the morning, and Thursday night before.

Turner. A silly soul, she knows not what she says.

L. Ch. J. Hide. I will ask you again, was your Master at home on Friday night?

Maid. No I think he was not.

L Ch. J. Hide. Why did you say so before?

Maid. I cannot remember Sir.

L Bridgm. She knows her Masters mind.

Turner. No upon my soul, my Lord.

L. Bridgm My Masters of the Jury, this is the use that is made of this Maids testimony; she will say any thing, she is no fit witness, no trust to be given to her either one way or other.

Turner. Pray call Mr. *Cowel*, Mr. *Legoose*, Mr. *Cook* the Goldsmith.

L. Bridgm. What do you call these for?

Turner. To prove my Condition, my Credit and Reputation.

L. Bridgm. The Jury knows that already.

Mr. *Cook*, Thus much I can say, that I have known him some twenty years, I have had dealing with him to the value of several 100*li*. I have trusted him, and have found him very faithful. I have seen in his possession Jewels to the value of eight or ten thousand pounds; by which I suppose if he had been such a person he might have done himself a kindness by breaking.

Mr. *Legoose*. All I can say is I have an acquaintance with this person, he was a Solliciter, dealt honestly and faithfully in a business wherein I was concerned, he hath lived very well.

Sir *Richard Brown*. Where you have heard on man say he is an honest man, have you not heard a hundred say otherwise.

Mr. *Legoose*. There hath been an ill report that he hath been a person that lived high.

Turner. Sir *Richard Brown*, no man in *England* can say black is my eye.

Sir *Rich. Brown*, Mr. *Turner*, you say you were upon *Tower-Hill* all Friday night, whether went you in the morning.

Turner. I came home between four and five in the morning.

Sir *R. Brown.* Your maid offered to depose even now, that you did not rise all that morning before eight of the Clock.

Turner. Lapsis Linguæ; If the Girle be mistaken.

L. *Bridgeman.* Do not trouble your self with that, her evidence is of no force.

Mr. *Jefferies.* Col. *Turner*, I cannot say any thing that will be advantageous to you, My Lord, and Gentlemen of the Jury; I have heard Mr. *Tryon* hath trusted him with Jewels to a good value, and that Mr. *Tryon* had a very good repute of him.

Sir *Rich. Brown.* Pray what report hath he upon the Exchange?

Turner. I owe nothing there Sir *Richard*, nor none there can lay any thing to my charge, except it be that I am a Cavalier.

L. C. J. *Hyde.* Mr. *Turner*, have you any more?

Tur. My Lord, I do want these Goldsmiths, they do not appear, they promised me they would.

L. C. J. *Hide.* How can we help it?

Tur. I do humbly beg your Honour and this Honourable Bench, that the Old Gentleman, my Old Friend, may declare what passed between us on Saturday Morning.

L. *Bridgeman.* Consider what you do, for here would you have Mr. *Tryon* swear against himself, hear what you would put him to, take it as you put it, though I do not beleive a word of it. As you put the case here is *Wild* commits a Robbery, you come and treat with *Wild*, and agree with him that Mr. *Tryon* shall let him go, shall not meddle with him, there shall be no Prosecution, so the Jewels and money may be brought, would not you get Mr. *Tryon* to conceal

conceal a Fellony, and Fellon, and he confeſs against himſelf he made this agreement with you? that Mr. *Tryon* did conſent to it, that he promiſed you five hundred pound to ſhuffle up this buſineſs?

Tur. Here me pray; you put me out, I had not let this man go; I begged that they would go with me, Sir *Thomas Alleyn* would not let us go, we would have taken him, I was ſenſible of the danger; it may be we might have had the Fellon and the Goods too.

Lo. Ch. *J. Hyde.* No doubt, upon your own ſtory, all this while you had no poſſibility of having the goods, unleſs the life of this fellow may be given you, ſo you were faint to agree, and plight your word to him, pawn your ſoul that he ſhould be free, untouched, ſo he would diſcover the Goods and moneys. Sir *Thomas Alleyn*, ſpeak to that particular again.

Sir *Thomas Alleyn.* My Lord and Gent of the Jury; He tells a long ſtory that he was kept abroad till ſeven a Clock at night, I do verily beleive he was brought to Mr. *Tryons* at five a clock, and there he kept us till ſeven, and all he would do, was, he deſired to go himſelf, or with one perſon at the moſt, or elſe we ſhall loſe all the Jewels, ſaith he, for two ſouls are pawned; he did not in the leaſt argue the taking of the Thief; I muſt ſay this, when I came to him on Munday, he ſaid if I had ſent a good Guard, we might have taken the Thief, ſaid I, a Lyer had need have a good memory, then you muſt onely go your ſelf, or with one perſon, he hath told you that I ſaid there ſhould be no proſecution, I ſaid onely this, whatever Mr. *Tryon* had promiſed you I knew not, but if you expect favour, let the Old Gent. have his Jewels again.

Sir *Tho. Chamberlane.* I heard no ſuch thing.

L. *Bridgman.* What did he tell you?

Sir *Tho. Chamberlane.* He would have gone with one with him, and pretended he could find out the Jewels onely.

Mr.

Mr. *Millington.* There were some propositions made, he desired first I should go with him singly; I told him there would be no security, but if he would get a sufficient Guard I would go with him, but he went home to his wife, and never made mention of any parties name, but that there was a party he expected the Jewels of.

L. Bridgeman. Did he propose any thing touching the taking that man?

Millington. Nothing but that he had pawned his soul there should be no discovery of it.

L. Bridgeman. did he desire that you should go and take the man?

Millington. No, but that we might go and secure the Jewels.

Sergeat. Cole. My Lord, there was a great deale of danger, we are bayl for Eight hundred pounds, if he had been taken away we are all undone, he only propounded of having the Jewels; and nothing of the man.

Mr. *Gurney.* I understood you Col. *Turner* only for the Jewels, and not for the man.

Mr. *John Marshal.* My Lord, he did move Sir *Thomas Allein* that I might go with him to *White-Chappel* and about Tower-hill. I told Sir *Thomas* it was very unsafe for me to go being late, and out of the Liberties, though I was a Constable, I could not command assistance there; and entreated Sir *Thomas* to excuse me; I thought it not safe for him; he did then repeat the engagement of his soul to the theif, and of *Tryons* to him.

Lord *Bridgeman.* Did you ever hear him say, desire or propose that you should goe and take the Theif.

The *Marshal.* No my Lord, it was to get the rest of the Jewels.

Alderman *Smith* Do not you know that I spake to you again and again, and advised you by all means to let

know

know where this man is, that I would go my self or any of these persons present, you utterly refused it; and said there was two souls pawned and you would not discover it?

Turner. That was at first, afterwards I mentioned them all.

L. *Bridgeman*, For what?

Turner, To take the Theif.

L. *Bridgeman*, You see not any man testifie any such thing.

Cole Yeoman, Sir *Thomas Allein* called my brother and I both in the room to him, and the Marshal and his man; and said, Col. *Turner* would have us go without the Liberties for these Jewels, I think, saith Sir *Thomas Allein* it is not safe to go out of the Liberties, Mr. *Marshal* said the same; he desired us to go with him, but Sir *Tho.* refused it.

Lord *Bridgeman*, This is a notable piece of Cunning, when he was moved by Alderman *Smith* and others, all this while he names no man, but now he was under an Action he would have them go with himself out of the Liberties, and yet never saith a word to take the man, he knew very well it was out of the Liberties. Truly I think if Sir *Thomas Allein* had done it, I should not have taken him to be Sir *Thomas Allein*; did you desire any of them to go with your Wife?

Marshal, He denied us to go with his Wife, his token was this, the Theif would meet no man.

Turner, My Lord, to the business now, I am here Indicted for Burglary: It appears to your Honours and the Bench, that it was ten of the clock when my Sons came from my Lord the Marquess of *Dorchesters* house; said I, You Knaves you, what do you out so late; said they, It was past nine before we had done, and my Lords Gentlemen made us stay Supper; they were all in their beds at a little past ten of the clock; you hear what *Mosely* the Constable

ble saith he finds us sleeping in the house, how should this burglary be laid on me, I am indicted here for burglary, and that I cannot be, for that I was at home.

L. C. J. *Hyde*. Have you done?

Tur. I my Lord.

Lord Chief Justice *Hyde*. *William Turner*, what say you? you see what is laid to your charge; first, you are a person of loose life, there were two at his Bed-side, he believes you to be the person that gagged him, and helped to bind him.

William Turner. I was never in his house in my life, til with Sir *Thomas Alleyn*.

Lo. Ch. Ju. *Hyde*. Where were you?

Will. Turner. At home.

L. C. J. *Hyde*. Make that appear.

Wil. Turner. I have none here.

L. C. J. *Hyde*. He saith it was a man as like you as can be.

Will. Turner. And I am as innocent as may be.

L. C. J. *Hyde*. *John Turner*, that which is against you is this, you on Saturday morning very early, was busie with your Father and Mother in the removing the money, and then when you had notice that you would be apprehended, you got away.

John Turner. Sir, I did not know who it was that was come, whether to apprehend, or upon any other score, but the woman speaking to me, flee for your life, or such expressions, made me go away I know not how.

Lord Chief Justice *Hyde*. Did not you bring some money?

John Turner. I Did my Lord.

Lord Chief Justice *Hyde*. How much was brought at that time?

John Turner. I carried away two Bags to *Wild*.

Lord

L. Ch. Juſt. Hide. Did you know him?

John Turner. Yes, my Lord.

L. Ch. Juſt. Hide. Did you carry theſe to *Weild* on Saturday-morning? Did not you carry them to *Fryes* houſe?

John Turner. We took them afterwards from the houſe where *Weild* appointed us to meet.

L. Bridgeman. At what time of the day did you carry them back to *Weild?*

John Turner. Before Sir *Thomas Allen* came that day, I was coming for more.

L. Bridgeman. To what place?

John Turner. At *Tower-Ditch.*

L. Bridgeman. At what houſe?

John Turner. No houſe, but I delivered them at *Tower-Ditch.*

L. Bridgeman. At what time of the day?

John Turner. It was before Sir *Tho. Allen* came, about 8 or 9 of the clock in the Fore-noon.

L. Bridgeman. Was there no people there? who was there?

John Turner. I cannot tell; I ſaw ſeveral other perſons.

L. Bridgeman. Did *Weild* ſtand in the ſtreet?

John Turner. Yes.

L. Bridgeman. How came you to know him?

John Turner. By my Fathers direction; and I had ſeen the man at our houſe that morning when he brought in the money.

L. Bridgeman. Whereabouts? was it near the Queſt-houſe? that is, the great houſe that ſtands in the middle of way?

John Turner. It was hard by the ſigne of *Noah's* Ark.

L. Bridgeman. This is a likely ſtory to be believed, that you ſhould in the day-time between eight and nine in the morning, meet in the *Tower-Ditch* that man that was a noted Thief, that had been in *Newgate*; that you ſhould tarry for this man to receive two Bags of money: ſee how it hangs together!

L. Ch. Just. Hide. How often did you go?

John Turner. Twice.

Hide. How much at a time?

John Turner. A single Bag.

Hide. Had you a Coat or Cloak?

John Turner. Just as I am now.

Hide. Had *Weild* a great Black Coat? and what did he do with the money?

John Turner. I know not; but I delivered one in the street, and then went and fetched another, and he staid ready for it.

L. Bridgeman. Was this all the money that was brought in the morning, save that that Sir *Tho. Allen* brought away?

John Turner. It was all, to my knowledge.

Sir Tho. Allen. Colonel *Turner* confessed to me on *Thursday*-morning that more came unto his house, but that Rogue *Weild* took it away.

L. Bridgeman. How much?

Sir Tho. Allen. About 200 *l.*

L. Mayor. How many turns did you make when the money was carryed from your Fathers house to the *Mynories?*

John Turner. Twice.

L. Mayor. Who went first?

John Turner. We went both together.

L. Mayor. How much was carryed between you both?

John Turner. The first time I carryed 200 *l.* as I can judge.

L. Mayor. Who carryed any more?

John Turner. My Father.

Sir O. Bridgeman. What did you bring the second time?

John Turner. 300 *l.*

L. Bridgeman. William, one thing more: What was the occasion of meeting you and *James Turner* at the Alehouse?

Will. Turner. I did not meet him, my Lord.

L. Bridgeman. You came thither, and called for a Pot of

of Ale, and ſaid you ſtaid for Colonel *Turner*.

W. Turner. It is not right; I onely asked if Col. *Turner* uſed the Horſe; by and by he came and paid for the pot.

L. *Bridgeman.* You two went together; what was the occaſion of your meeting together?

Col. *Turner.* Finding him there, I ſaid I could not drink with him, and ſo we parted.

W. Turner. I called for a pot of drink, and having no money to pay for it, Colonel *Turner* coming by, I called him in, and deſired him to pay for it, which he did.

L. *Bridgeman.* The Boy ſwore you ſaid you ſtaid for Col. *Turner*; can you juſtifie you were at home, or in any other place? it is a great ſupition; the old Gentleman charged you to be very like the man, and you can give no account where you were, and *Turner* and you met together the day before.

W. Turner. I was at home.

L. *Mayor. William Turner*, when did you ſhave your Beard laſt?

W. Turner. Before *Chriſtmaſs.*

L. *Mayor.* Who ſhaved it for you?

W. Turner. A Barber in *Golding-Lane.*

L. *Mayor.* When his hair is ſhaved off his chin, the other man whoſe Name is *Chriſtmaſs*, being a ſmooth-chinn'd man, it's very poſſible that might beget the miſtake in Mr. *Tryan.*

L. Ch. Juſt. Hide. You of the Jury, it is high time to let you go together to conſider your Verdict; we will trouble you no more in this buſineſs to day: Here is an Indictment againſt *James Turner*, *John Turner*, and *William Turner*, for a Burglary in breaking the Houſe of Mr. *Francis Tryan* in the night-time, and taking away a great deal of Money and Jewels: you have heard it particularly named: it is likewiſe charged, That *Mary* and *Ely* knowing of *John* to have committed this Felony and Burglary, did comfort and abet him afterwards: I ſhall ſpeak to them two firſt. *Mary* the Wife of *James Turner*, though it appears all along that

ſhe had a hand in this buſineſs, yet nothing appears at all, but doing only that which her Husband had directed; then by Law ſhe cannot be acceſſary for committing of Felony. For *Ely* the other acceſſary, I did not obſerve in the whole courſe of the evidence, any thing at all againſt him, that he was privy to any thing at all, for that of the carrying of the money, it appears to be *John*; for them two, *Mary* and *Ely*, nothing is faſtened upon them; then the matter is to *James*, *John*, and *William Turner*: I hope, and I am ſure you are nearer, and you take notes of what hath been delivered; I have not your memories; you are young, and no perſons better: you are men of underſtanding, I need not repeat particulars to you; thus much I muſt ſay in the general, That it is not alwayes neceſſary, but for that I ſhall deſire my Lord *Bridgeman* to declare it to you. A man may be guilty of a Burglary, though he be not in the place, in the room where it was committed: or thus; if three or four men come together with purpoſe to rob a houſe, two go in and do the feat, and the reſt ſtay without, to ſee no body comes to prevent, or to receive, one or other coming to that purpoſe, thoſe that are without the Houſe, are as guilty of the Burglary as the other that went in: no man will deny the Law to be ſo. Then weigh your evidence; it appears by the Coach-man, that he ſaw four men that had Handkerchiefs about their necks, two upon one ſide, the other two upon the other ſide of the door; though there were but two appeared to Mr. *Tryan*, yet there being four in company, and Mr. *Turner* himſelf tells ye, that by the ſtory from his Intelligencer, there was three or four; whom they were, or whether there was any or no, God knows; but rather ſuppoſe it to be a ſtory of his own framing. He walked up and down on *Tower-hill*, took the Thief by the throat, and there kept him about two hours, and paſt four a clock before they brought the ſecond bags: Then weigh that particular knowledge that Mr. *Turner* had of all theſe things, that upon *Wedneſday* before he met with this this *William Turner*, a perſon you ſee, of what quality (I ſhall not repeat) he cannot give account of himſelf what he is;

and

and that night when this Robbery was committed, he ſayes he was at home, they are his own words; he might have had witneſs to have proved this, as well as Mr. *Turner*. But for *James Turner*, it's true it appears, and no doubt he was that night at home: The Conſtable went to his Houſe upon the occaſion of *Tryans* mans ſaying he ſupt there, went to find whether he ſupt there, that was indeed falſe; but the Conſtable and thoſe that went there, found them a-bed. But then take the time when this Robbery was done, it was between eight and nine, and he was found in bed at paſt ten, though indeed the Thieves ſaid it was eleven, as you might underſtand by Mr. *Tryan*: it muſt be left to you upon the proof: you ſee when he comes the next day, he undertakes to find out the Thieves, and that only upon a ſuſpition, that there being a purpoſe to rob Mr. *Tryan* a year before, he goes to the ſame place now, he found *Weild* out then; he had very good luck, that becauſe he lodged there a year before, he muſt have the ſame lodging now: it's a likely matter that Thieves, as *Weild* is, ſhould keep their lodgings thus conſtantly. There he finds him, takes him by the throat, and there they were playing a while, there one comes, goes, and brings ſome part of the money: After all this, the next day he muſt take his word to come again, and to bring the Jewels: obſerve but this; after which time as the money was received, yet by a token, though he never ſaw the woman before, deſcribing her a ſhort fat woman, with a long black Scarf; he muſt meet her, askt what ſhe wanted, and muſt give her Jewels of that value; 'tis one of the fineſt fram'd ſtories that I have heard, that this man ſhould come to be thus privy, after himſelf ſtood charg'd, and the Jewels brought for all this, and yet he muſt know nothing of it. You obſerve the evidences and the circumſtances themſelves, the Witneſſes he call'd in point of reputation, that I muſt leave to you. I have been here many a fair time, few men that come to be queſtioned, but ſhall have ſome come and ſay, He is a very honeſt man, I never knew any hurt by him; but is this any thing againſt the evidence of the Fact? But you have here the whole, I ſhall leave it to you. *L. Bridge-*

L. Bridgeman. Gentlemen of the Jury, my Lord hath repeated to you the evidence: I ſhall repeat nothing of that; onely one or two things I ſhall obſerve to you. Firſt, in point of Law, and I muſt agree in opinion with what my Lord ſays; but in this caſe there will be ſomething more conſidered, that is, whether or no (for this is the Law) if a man have a falſe Key, (we are now upon the point of Law) and we ought to be of Counſel with him and you, to direct that which is right. If he appear plainly to be an Acceſſary, you muſt finde him guilty of this Indictment: for that, you muſt conſider circumſtances, whether he broke open the houſe or no: then you muſt obſerve Mr. *Tryans* door was ſhut, it was not broken open by a Crow; therefore you may conclude that it is very probable they had a Pick-lock: but that I muſt leave to you; either they muſt come in by one being in the houſe, or by a Pick-lock: but to ſay by one in that houſe, you have no reaſon to preſume on that: if by a Pick-lock, whoſoever they were, they muſt be known, not ſtrangers to the houſe; not *William Turner* alone, but he that knew the houſe, and all the paſſages and doors; knew where the Keys and Jewels were: then who probably ſhould be in the houſe; it was not for a ſtranger to be in the houſe, onely one that muſt know all. If that *James Turner* ſhall appear to you to have a hand in it, if you think he was acceſſary, you muſt finde him guilty as Principal.

Col. Turner. God forbid.

L. Bridgeman. If he were amongſt them, if the Door be opened by a Pick-lock, it is a direct Burglary, as if broke open by an Iron Bar: but that muſt be left to you. In the next place to prove the Burglary, you ſee what a ſtory he tells you, with all the circumſtances, as if he had been there: He tells you from this *Weild*, (if there be any ſuch, you muſt take it upon his word) how the mans tooth came out; what he meant to do with the other perſons; and all other things about that affair. Obſerve another thing of Sir *Thomas Chamberlain*: ſays he, We ſuſpected him from the firſt; we could not examine any, but he would be thruſting in, and liſtening.

liſtening. I ſay, admit that you ſhould be by the evidence perſwaded he had a hand in the buſineſs, you muſt finde him as Principal: for nothing in the world more ordinary, if a man intend to commit ſuch a Felony or Burglary, he will be ſure to have witneſs to prove he was here, or in ſuch a place at the time when this Robbery was committed. By all that I can gueſs, and I believe that I gueſs right, this Robbery was between eight and nine a clock at night: when the Conſtable came to Mr. *Turner*, no doubt, as it was his wiſeſt way, he was then in bed, but can prove nothing at all elſe. The truth is, upon all that he hath ſaid himſelf, if it be true as he hath ſaid, he hath made himſelf a direct Acceſſary to a Felony: for firſt of all, being examined before a Juſtice of of Peace, Sir *Thomas Allen*, he ſaid himſelf that the money he carryed, was the money he had of a Goldſmith: truly his whole ſtory is a direct Romance. This man muſt go upon the *Friday*-night, about 11 or 12 a clock; and there is a Proverb of *A blind mans catching a Hare:* if it can be applicable to any thing, it muſt be to this. He muſt go between 11 and 12 a clock at night without a Lanthorn, a good way above his own houſe, and there he muſt walk, and think ſome *Mephiſtophilus* ſhould come and tell him who is the man; that he ſhould take him by the throat, though he could call two more with one whiſtle, and there get him to deliver the money: truly he was a very noble and ingenious Thief. But all this you muſt take upon his own word. Now he knows the money was diſcovered; then it was a Merchants that had failed, and muſt be ſecured for the uſe of his Wife and Children. If you do believe all this that he hath ſaid, he was neither Principal nor Acceſſary to this Felony, but Acceſſary enough to *Weild:* but that's not the preſent buſineſs; it is whether upon all theſe circumſtances, the money having been found with them, he being the man that brought the money, and his Wife the Jewels, whether you do believe the reſt of the ſtory he hath made for himſelf. If you believe he had a hand in the buſineſs, you muſt finde him as Principal. I ſhall deſire a little further direction: ſuppoſe it were

as

as he sayes, that one was within, and he opens the dore, and lets in others, if he himself was one that did come in, I take it to be Burglary in them all; it was an unlawful coming in: So that upon all these circumstances, first, Whether you do believe that he had a hand in it, or no, or this fine story that is made. Next, Whether you do believe this was one that was there; you must believe him guilty as principal. But I leave it to you.

L. Ch. Just. Hide. To the last I say, If one comes in by day with a purpose before-hand to rob the house by night, if he opens the door, which is almost impossible here, because the man swears it was double-lockt, it must be opened with a key; if he opened the door, and the rest comes in and robs him, that is Burglary in them all.

Thereupon the Jury withdraw'd, and after near an hours consultation, they returned to the Court, and took their places; their names being called, they severally answered.

Cl. of the Peace. Are ye all agreed of your Verdict?
Jury. Yes.
Clerk. Who shall speak for you?
Jury. Fore-man.
Clerk. Set *James Turner* to the Bar. Look upon him; how say you? is he guilty of the Felony and Burglary whereof he stands indicted, or not guilty?
Fore-man. Guilty.

John Turner, *William Turner*, *Mary Turner* and *Ely Turner* were by the said Jury severally acquitted.

January the 19*th.*

In the morning the said *William Turner* was again arraigned and indicted for the Felonious stealing of 45 *l.* of the moneys of *William Hill*, servant to the said Mr. *Tryan*, and stollen

ſtollen in the ſaid Robbery of Mr. *Tryan*, but the tryal thereof was deferred till the next Seſſions.

Afterwards ſome of the Juſtices of the Bench having received intimation that Lodgings were lately taken in *Dukes-Place* by the ſaid Col. *Turner*, *William Turner*, and others, for the carrying on of the aforeſaid Robbery, the ſaid Colonel *Turner* and *William Turner* were ſeverally examined by that worthy Gentleman Sir *Thomas Alleyn*, who with great prudence hath managed this Affair, who preſſed ſeveral queſtions to the ſaid Priſoners, who finding their ſaid deſign fully diſcovered, declared as followeth.

The Examination and Confeſſion of Col. James Turner, *and* William Turner, *two of the perſons in the Robbery of Mr.* Tryan, *taken by Sir* Thomas Alleyn *Knight and Baronet, in the preſence of the Right Honorable Sir* Anthony Bateman *Knight, Lord Mayor of the City of* London, *Sir* Richard Brown *Knight and Baronet, Sir* John Robinſon *Knight and Baronet, Sir* Richard Ford *and Sir* Richard Rives, *Knights, Sheriffs of the City of* London, *the* 19th *of* January 1663.

THat the contriving and ſetting of this Robbery was wholly acted by Col. *James Turner*, and that it was in agitation about *Chriſtmaſs* laſt, and ſhould have been put in execution a week ſooner, but that the other Friend whom Col. *Turner* brought, was drunk, and one *White* who was one of the Actors, would not venture his life with him.

That there were four persons that robbed him, Col. *James Turner*, *William Turner*, *White* a Sollicitor, and *VVhite's* Friend, whose Name they knew not. That upon Thursday the seventh day of *January* instant, Col. *James Turner*, *VVilliam Turner*, *VVhite*, and the other person whose Name they knew not, met at the Red-Lyon in *Bishopsgate-street* near to St. *Hellens*, about three of the clock in the afternoon, where they dined; Col. *Turner* fetched a neck of Veal from the Cooks for their dinner, and then they agreed to rob Mr. *Francis Tryan* (who lives in *Lime-street*) that night, and went to meet again at the same House by six of the clock that evening; but the room where they were to meet, being taken up, they went over to the four Swans, or the Green Dragon, and there they all staid till eight of the clock. Col *Turner* did then assure them, that the dores should be opened, for that by his own confession he had got the impression of the key of the dore in Wax, and had another key made by it, but knew not the Smith that made the key. From that place Col. *Turner* carried them to the New-Market in Leaden-Hall, where they sate upon the Stalls for the space of half an hour, and then he came unto them, and told them the Man and Maid were now gone out, and that now was their time. Thereupon Col. *Turner* opened the door with his key, and let them in; then they went up the stairs, Col. *Turner* leading the way; he light a Candle in the Kitchin, and went up into Mr. *Tryans* Chamber all four of them; Col. *Turner* went near the beds feet, the Curtains being drawn close; *VVhite* and the other persons put a cloath into Mr. *Tryans* mouth, stopt it, and bound his feet and his hands. Col. *Turner* brought down the Key of the Ware-House and the Counting House out of his pocket, opened the Ware-House door, and the Counting-House, and took the Keys of the Iron Cheft, and took out the Money and the Jewels: *VVilliam Turner* carried two Wallets with four Bags of Money, as he conceives; and Col. *Turner* said, that the said *VVill. Turner* carryed four hundred pounds; and *VVhite* carryed two Wallets more, supposed to be four Bags of some hundred pounds. Col. *Turner* and the other

person

perſon carryed the reſt of the Money, only Col. *Turner* carryed away the Jewels in his two Bags. That *VVilliam Turner* did not ſee any money, but as they ſaid it was money. They did not ſtay in Mr. *Tryans* houſe above an hour. That they carryed all the aforeſaid Money and Jewels into a Lodging in one *Nicholas Hickenſons* houſe in *Lowſie-Lane* in *Dukes-Place*, which they hired ſome days before, pretending it for the uſe of a Maſter of a Ship, his Mate, Purſer and Boatſwain. They carried the money in about ten a clock at night; when the Maid let them in, they blew out the candle, carryed up the Money and Jewels, *VVilliam Turner* going under the name of Purſer. Col. *Turner* and *VVilliam Turner* came away that night, and left the Money and the Jewels there; the next morning Col. *Turner* fetcht away the Money and Jewels at five turns to his own houſe, and ſaith, that *William Turner* was to have a hundred pounds of the money for his pains; *VVhite* and his friend twenty pounds apiece for their pains, and Col. *Turner* was to have the reſt. That *VVilliam Turner* knew not of any of the Jewels, nor *VVhite*, none but Col. *Turner*. That after that night *VVilliam Turner* never ſaw Col. *Turner* nor the other perſons in the Robbery, till himſelf with Col. *Turner* and others were arraigned for the fact at *Newgate*. Neither did the ſaid *VVilliam Turner* ſee any Money or Jewels opened; neither did he receive one penny of the money; neither was he in the Compting-Houſe of Mr. *Tryan*. That neither Col. *Turner*'s Wife nor Sons knew of this Robbery, only that they helped him to remove the money away on Saturday morning. That the money was in the houſe on Fryday at night, when the Conſtable and Marſhal ſearched his houſe, but they had hid them. That Col. *Turner* being asked where the Jewels were on Saturday morning, ſaid, he did deliver them at ſix of the clock to *VVhite* in both the Bags. That the Carkanet of Rubies was not in thoſe Bags. That Col. *Turner* in the concluſion confeſſed, That he had not done that he did, but that he did lately underſtand that another perſon was made Executor, and that he was reſolved to have ſomewhat.

After Colonel *Turner* his Examination, Sir *Tho. Alleyn* told Colonel *Turner*, that the first part of Repentance was Confession, the second Restitution; and he being a Convict Person, and in all probability not likely to continue long in this world, it were much better for him to restore what was another mans, then to think to enrich his Wife and Children, by leaving them that which he knew was none of his: and that one peny of his own Estate left him, would continue longer with him then a pound of another bodies: and thereupon he was pressed to restore Mr. *Tryan* the rest of his money, and the Carkanet of Rubies and Diamonds yet in his custody. This had such a present influence upon Mr. *Turner*, that he said he would immediately go and fetch the Carkanet; which he accordingly did, and delivered the same into the hands of Sir *Richard Rives*, one of the Sheriffs.

January the 19th in the evening.

Clerk. Set *James Turner* to the Bar. *James Turner*, hold up thy hand: Thou standest here convicted of Felony and Burglary, for the felonious stealing of the goods and money of *Francis Tryan*; what canst thou say why the Court should not give thee Judgement to die according to Law?

Col. Turner. My Lord, I humbly desire your Honour, and the Honourable Bench, you would be pleased to grant me a Reprieve.

J. Howel. That we cannot do; the Court must give Judgement upon you: if you can by any means prevail with his Majesty to do it, you may use your interest; but the Court cannot do it.

Col. Turner. I desire your Honours I may be transported.

J. Howel. That likewise is in the power of his Majesty; that he may do if he please; it is not in the power of the Court: we have nothing to do but to give Judgement.

Col. Turner. You do it with others.

J. Howel.

J. Howel. No, not in this case of Burglary; but leave that to his Majesties meer mercy and grace.

Col. Turner. My Lord, I shall humbly desire that my Wife and the two Youths may be discharged.

J. Howel. She is found Not Guilty, and therefore she shall have her Acquital upon the discharge of the Jayl: those that are acquitted, they must be discharged, if the Court do not see cause for their further detention.

Col. Turner. I pray the young man and my Wife may be discharged.

J. Howel. Whosoever are found not guilty, must have their discharge according to Law.

Col. Turner. My Lord, I hope the Bench is satisfied about the young man.

J. Howel. Say no more.

Col. Turner. Your Honours humble servant.

Clerk. Set *James Turner* to the Bar.

J. Howel. I must pronounce the Judgement of the Court, which is, *That you go to the place from whence you came, and so to that place of execution which shall be appointed to you by Authority, there to be hanged by the neck till you be dead; and the Lord have mercy on your soul.*

Accordingly the said Colonel *James Turner* was drawn in a Cart from *Newgate* to *Lymestreet* end in *Leaden-hall-street*, the 21 of *January*, and was there executed on a Gibbet erected for that purpose.

FINIS.

Advertiſements.

A New Survey of the Turkiſh Empire and Government, their Laws, Religions and Cuſtomes, in a brief Hiſtory deduced to this preſent time; with the Reign of the now Grand Seignior *Mahomet* the fourth, the preſent Emperour of that mighty Nation: with a relation of the ſiege of *Newhauſel*.

The ſecond part of the New Survey of the Turkiſh Empire, containing, firſt, the extent of his Dominions, when and by whom conquered; ſecondly, an account of the Tartars; thirdly, the life of *Mahomet* the Impoſtor; fourthly, their Militia; fifthly, their Government Civil and Eccleſiaſtical; ſixthly, the continuation of the Hiſtory. Being the moſt abſolute and compleateſt piece that ever was written of that Nation.

The original and growth of the Spaniſh Monarchy united with the Houſe of *Auſtria*. Extracted from thoſe Chronicles, Annals, Regiſters and Geneologies, that yeild any faithful repreſentation how the Houſes of *Caſtile*, *Aragon* and *Burgundy* became knit and combin'd into one Body. To which are added ſeveral Diſcourſes of thoſe Acceſſions and Improvements in *Italy*, *Africk*, with the *Eaſt* and *Weſt-Indies*, that are now annexed by alliance or conqueſt to the Diadem of *Spain*. By *Thomas Philpot*, M. A. formerly of *Clare-hall* in *Cambridge*.

All ſold by Henry Marſh *at the Princes Arms in* Chancery-lane.